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Attorneys for Plaintiff

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually,	)	
	)	Docket No.
Plaintiffs,	)	
	)	Civil Action
vs.	)	
	)	COMPLAINT AND DEMAND FOR
	)	JURY TRIAL
MARK STAROPOLI, PAULA	)	
STAROPOLI, CLARKSTOWN SOCCER	)	
CLUB, CLARKSTOWN SOCCER CLUB,	)	
BOARD MEMBERS OF EMPLOYEES OF	)	
THE CLARKSTOWN SOCCER CLUB,	)	
NICHOLAS ARCURI, MARGARET	)	
TURRIN, DIRECT KICK SOCCER,	)	
ROBERT Walkley, JOHN DOES 1	)	
through 5 (fictitious names	)	
for the persons, partnerships	)	
and/or corporations intended),	)	
JANE DOES 1 through 5	)	
(fictitious names for the	)	
persons, partnerships and/or	)	
corporations intended), and	)	
RICHARD ROES 1 through 5	)	
(fictitious names for the	)	
persons, partnerships and/or	)	
corporations intended),	)	
	)	
Defendants.	)	

Plaintiffs, A.B. and L.B., individually, and as Guardian Ad  
Litem of A.B. residing in the Township of Randolph, County of

Morris, and State of New Jersey, by way of Complaint against the defendants, state and allege the following:

STATEMENT OF THE PARTIES

1. Plaintiff, A.B., is a natural person residing in Township of Randolph, County of Morris and State of New Jersey and was a minor at all times mentioned herein. Pursuant to Federal Rule of Civil Procedure 5-2(a), plaintiff has included only her initials.

2. Plaintiff, L.B. is natural person and the father of A.B. residing in the Township of Randolph, County of Morris and State of New Jersey and is the father of A.B.

3. Defendant, Mark Staropoli, is a natural person residing at 800 Bradley Park Way, Blauvelt, New York and was the coach of an elite soccer team based in Clarkstown, New York.

4. Defendant, Paula Staropoli, is a natural person residing at 800 Bradley Park Way, Blauvelt, New York and is the wife of Mark Staropoli.

5. Defendant, Clarkstown Soccer Club was the entity responsible for the operation of the elite soccer team which recruited plaintiff, A.B., and employed defendant, Staropoli, as its coach.

6. Defendant, Board of Directors of the Clarkstown Soccer Club was the body and responsible for the operation of Clarkstown Soccer Club which oversaw the conduct of defendant Mark Staropoli.

7. Defendant Nicholas Arcuri residing at 26 Eldor Avenue, New City, New York, was the president of the Clarkstown Soccer Club

and was involved in the hiring and supervision of defendant, Mark Staropoli.

8. Defendant Margaret Turrin residing at 2 Preakness Lane, New City, New York was the assistant coach of the Clarkstown Soccer Club and the teams tournament coordinator and was responsible for supervising activities of members of the Clarkstown Soccer Club team.

9. Defendant Direct Kick Soccer located at 72 Roosevelt Avenue, Red River, New York is an entity conducting soccer related activities and which sponsored a trip to Europe as attended by plaintiff A.B. and defendants, Mark Staropoli, Paula Staropoli and Margaret Turrin.

10. Defendant Robert Walkley residing at 72 Roosevelt Avenue, Cold River, New York is the principal and director of Direct Kick Soccer who was responsible for the planning, and supervision of the Clarkstown Soccer Club Team when it traveled to Europe in 2004.

11. Defendants John Does 1 through 5 are fictitious individuals and unknown members of the Board of Directors of the Clarkstown Soccer Club whom may have been involved in the hiring and supervision of defendant, Mark Staropoli, and therefore liable to plaintiff.

12. Defendants Jane Does 1 through 5 are fictitious individuals and unknown members of the Board of Directors of the Clarkstown Soccer Club whom may have been involved in the hiring

and supervision of defendant, Mark Staropoli, and therefore liable to plaintiff.

13. Defendants Richard Roes 1 through 5 are fictitious partnerships and/or corporations which are presently unknown entities that stood in loco parentis to plaintiff A.B. and are responsible for the tortious acts of defendant, Mark Staropoli.

#### STATEMENT OF JURISDICTION

14. Pursuant to 28 U.S.C. §1391(a), this Court has original jurisdiction pursuant to the provisions of 28 U.S.C. 1332(a)(1), the claims herein alleged against defendants who are all citizens of States different from the State in which the plaintiff enjoys citizenship.

15. The amount in controversy exceeds \$75,000.00.

#### STATEMENT OF VENUE

16. The venue of within case properly lies in the District of New Jersey in which plaintiffs resided, to which defendants traveled, or engaged in conduct with plaintiff and where a substantial number of the acts and events averred occurred.

#### STATEMENT OF FACTS

17. A.B. was a minor and proficient soccer player who was recruited by defendant, Mark Staropoli and the Clarkstown Soccer Club (hereinafter the "Soccer Club") in the fall of 2001, when A.B. was 12 years of age.

18. At the time of the recruitment by defendant, Mark Staropoli and the Soccer Club, plaintiff A.B. resided with her father in the Township of Rockaway, Morris County, New Jersey.

SEXUAL ACTS OCCURRING IN THE STATE OF NEW YORK

19. In the summer of 2002, defendant, Mark Staropoli, invited A.B. to participate in a soccer camp that he coached at Old Tappan High School, Old Tappan, County of Bergen, New Jersey.

20. Plaintiff A.B. declined the offer due to the travel distance involved, but defendant Mark Staropoli insisted and offered to have A.B. to stay at his house located at 800 Brady Parkway, Belleville, New York.

21. A.B. stayed at the Staropoli home occupied by defendants Mark Staropoli, Paula Staropoli, for a two week period.

22. During that two week period, defendant Mark Staropoli went to plaintiff's A.B. room and groomed her for further sexual activity by massaging her, making her feel comfortable and accepted into his family.

23. In the fall of 2003, when plaintiff A.B. was 15 years of age, she played on both her high school team and a soccer team coached by defendant Mark Staropoli. The evening training session for that world class soccer team were conducted in Bergen County, New Jersey.

24. During 2003, plaintiff A.B. visited the Staropoli home. On one particular occasion when all other members of the Staropoli

household went to bed, defendant Mark Staropoli massaged A.B.'s legs with his hand and touched her vagina.

25. During the period December 25, 2003 through March 2004, plaintiff A.B. frequently visited the Staropoli household on weekends. During this period of time, defendant Mark Staropoli sexually assaulted plaintiff A.B., by having her commit fellatio upon him and by digitally penetrating her vagina.

26. At the time of the sexual assaults by defendant Mark Staropoli, he was aware of the prior death of plaintiff A.B.'s mother and the resulting emotional vulnerability.

27. Defendant Mark Staropoli continued to groom plaintiff for sexual conduct by treating her differently than other players on the soccer team coached by him.

28. During the period March 2004 until June 2004, plaintiff A.B. continued to visit the Staropoli household on weekends. During this time, the defendant Mark Staropoli continued to sexually assault plaintiff A.B. by engaging in both oral sex and digital penetration.

29. During the weekend of June 25, 2004, defendant Mark Staropoli instructed plaintiff A.B. to come into his marital bedroom, and sexually assaulted plaintiff by performing cunnilingus and engaging in sexual intercourse with the then 16 year old plaintiff.

30. After the June 25, 2004, plaintiff and defendant Mark Staropoli began to call each other on their cell phones several

times a day and they e-mailed each other. The e-mails became sexually explicit.

31. During this period of time defendant Mark Staropoli also promised to help plaintiff A.B. secure a soccer scholarship to college.

32. On August 3, 2004, an investigation was begun into the relationship of defendant Mark Staropoli and plaintiff as a result of information transmitted by a child welfare agency in Tappen, New York.

33. Plaintiff L.B., was notified of the referral and the investigation and informed defendant Mark Staropoli of it.

34. Defendant Mark Staropoli then telephoned plaintiff A.B. and instructed her to deny the fact of their sexual relationship. As a result, plaintiff denied any involvement with the defendant.

35. Plaintiff A.B. lied about the relationship as defendant Mark Staropoli had instructed her and because the defendant Mark Staropoli had psychologically groomed and manipulated her.

36. The Complaint and referral were deemed unfounded and thereafter, plaintiff A.B. and defendant Mark Staropoli telephoned each other and continued to e-mail and send instant messages to each other almost on a daily basis.

37. During the month of August 2004, plaintiff A.B. stayed at defendant's house for approximately 1 week. During that period of time, defendant sexually assaulted plaintiff A.B., by having her



commit fellatio upon him and digitally penetrating her with his fingers.

38. During the weekend of October 9, 2004 while at his home, defendant Mark Staropoli committed an act of sexual assault upon plaintiff A.B. by digitally penetrating her vagina and engaging in fellatio and cunnilingus with each other. Defendant Mark Staropoli had sexual intercourse with plaintiff in the basement of his house during that same weekend.

39. During the last weekend of October 2004, plaintiff A.B. again visited defendant's home and defendant Mark Staropoli sexually assaulted plaintiff by engaging in sexual intercourse with her, performing cunnilingus upon her and digitally penetrating her.

40. During the weekend of November 14, 2004 while at his home, defendant Mark Staropoli had sexual intercourse with plaintiff in the basement of his house and sexually assaulted her by having her perform fellatio upon him and digitally penetrating her vagina.

41. During the weekend of November 20, 2004 while at his home, defendant Mark Staropoli again sexually assaulted plaintiff by engaging in sexual intercourse with her and having her perform fellatio upon and thereafter penetrating her with his fingers.

42. On two other occasions during November 2004, the defendant Mark Staropoli picked up plaintiff A.B. in New Jersey and took a detour to Hook Mountain in New York State. While at that



location, he sexually assaulted plaintiff by performing cunnilingus upon her and having her commit fellatio upon him.

SEXUAL ACTS OCCURRING IN THE STATE OF NEW JERSEY

43. The following day, plaintiff A.B., defendant Mark Staropoli and his daughter drove to a New Jersey shore location. Upon the trip home from the New Jersey shore, defendant Mark Staropoli committed an act of digital penetration upon plaintiff A.B.

44. During August 2004, defendant Mark Staropoli and his daughter visited plaintiff's residence. During that visit, defendant Mark Staropoli sexually assaulted plaintiff A.B. by committing an act of digital penetration and by having plaintiff A.B. commit an act of fellatio upon him.

45. On various and diverse dates in 2004, defendant Mark Staropoli would sexually assault plaintiff A.B. committing acts of digital penetration, after defendant picked up plaintiff A.B. at her home and during the ride back to his home. These acts occurred on Route 287 in New Jersey.

46. During October of 2004, on one occasion, defendant Mark Staropoli pick up plaintiff A.B. from her home and began to drive back to New York State. On the way, he left Route 287 and went to Ramapo College located in Bergen County. He took plaintiff A.B. to a wooded area and sexually assaulted her by engaging in vaginal intercourse.

47. On another occasion in November 2004, defendant, Mark Staropoli again picked up plaintiff A.B. in New Jersey then drove to a restaurant in New Jersey where he and plaintiff performed oral sex on each other and defendant Mark Staropoli digitally penetrated her.

48. In June 2004, defendant Mark Staropoli and his daughter visited plaintiff and her family at their home in Randolph, New Jersey. On the first night of the visit, defendant Mark Staropoli sexually assaulted A.B. by engaging in fellatio and vaginal intercourse with her.

49. On January 4, 2005, a second investigation of defendant Mark Staropoli's sexual assault upon plaintiff was commenced by the Morris County Prosecutor's Office, Morristown, New Jersey.

50. Plaintiff A.B. was advised of the investigation by plaintiff L.B., and she then telephoned defendant to inform him.

51. Upon being told of the investigation, defendant became enraged and instructed plaintiff not to say anything. As a result, plaintiff initially denied her involvement. Plaintiff A.B. then stated that defendant had sexually assaulted her, but that it only occurred on two occasions in October and December 2004.

52. Plaintiff did not initially divulge the true extent of the sexual assault because defendant had groomed her to protect him and he had specifically instructed her not to divulge their relationship.

53. Thereafter, the plaintiff A.B. divulged the entire nature of her relationship with Mark Staropoli involving the sexual assaults committed by defendant Mark Staropoli upon her.

54. During the month of January 2005, telephone conversations between plaintiff, A.B. and defendant Mark Staropoli were recorded with the consent of plaintiff L.B. During those conversations, defendant Mark Staropoli instructed plaintiff A.B. to continue to deny the nature of their relationship.

55. Thereafter, a continuing joint police investigation was conducted by members of the Rockaway, New Jersey Township Police Department, Clarkstown, New York Police.

#### SEXUAL ACTS OCCURRING IN OTHER STATES

56. In November 2004, plaintiff A.B. and defendant Mark Staropoli attended a soccer tournament in Newark, Delaware. While in Delaware, defendant Mark Staropoli sexually assaulted plaintiff A.B., forcing her to performing acts of fellatio upon him and engaging in other sexual acts upon her.

57. During December 2004, defendant Mark Staropoli again sexually assaulted plaintiff by engaging in oral sex with her and engaging in sexual intercourse and penetrating her. Plaintiff A.B. accompanied defendant Mark and Paula Staropoli and the rest of the family on a ski trip to Massachusetts.

#### SEXUAL ACTS OCCURRING OUTSIDE OF UNITED STATES

58. During the summer of 2004, plaintiff A.B. traveled with the defendant Clarkstown soccer team which was coached and

chaperoned by defendant Mark Staropoli. Defendant Paula Staropoli also chaperoned the team and was present during that trip. Defendant Mark Staropoli committed various acts of sexual assault upon plaintiff A.B. in the United Kingdom and Holland.

LEGAL ALLEGATIONS

FIRST CAUSE OF ACTION

59. Plaintiffs hereby incorporate paragraph 1 through 58 into this First Cause of Action.

60. On diverse dates between 2003 and 2005, defendant Mark Staropoli sexually assaulted plaintiff A.B., a minor incapable of consent, by coercing her into performing fellatio, cunnilingus, digital penetration and vaginal intercourse.

61. At all times when committing these acts, defendant Mark Staropoli stood in loco parentis to plaintiff A.B.

62. As a result of the continued course of sexual acts performed upon her, the plaintiff sustained physical, psychiatric, psychological and mental injuries.

63. Plaintiff A.B. has suffered, now suffers and will continue to suffer from severe psychological disorders, as a direct and proximate cause of defendant Mark Staropoli's conduct.

64. The conduct of defendant Mark Staropoli was intentional.

65. As a direct and proximate result of defendant Mark Staropoli's conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendant Mark Staropoli awarding compensatory damages.
- b. Judgment against the defendant Mark Staropoli awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

SECOND CAUSE OF ACTION

66. The plaintiffs repeat and reiterate each and every allegation set forth in the First Cause of Action as if set forth at length herein.

67. Defendant Mark Staropoli engaged in sexual assault upon plaintiff A.B. during her teenage years and committed said acts with reckless and wanton disregard of the affect upon the minor plaintiff A.B.

68. Defendant Mark Staropoli's acts were so outrageous in character, extreme and egregious as to go beyond all bounds of decency.

69. The acts of sexual assault and defendant's efforts to control plaintiff and keep her from acknowledging the existence of the assaults caused emotional, psychological and psychiatric distress to the plaintiff which was so severe that no reasonable person could be expected to endure it.

70. The emotional, psychological and psychiatric distress endured by the plaintiff was so substantial that it resulted in physical ailments and serious psychological symptomology.

71. The defendant Mark Staropoli's acts as averred were the direct cause of the injuries sustained and endured by plaintiff, A.B.

72. As a direct and proximate result of defendant Mark Staropoli's conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendant awarding compensatory damages.
- b. Judgment against the defendant awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

### THIRD CAUSE OF ACTION

73. The plaintiffs repeat and reiterate each and every allegation set forth in the First and Second Causes of Action as if set forth at length herein.

74. Defendant Paula Staropoli is the wife of the defendant Mark Staropoli and was present during the times that plaintiff A.B. visited at the Staropoli residence. She stood in loco parentis to plaintiff A.B.

75. Defendant Paula Staropoli, knew or should have known of the relationship which existed between her husband, defendant Mark Staropoli and plaintiff A.B.

76. Defendant Paula Staropoli took no steps to protect plaintiff A.B. from the acts of her husband.

77. The failure of defendant Paula Staropoli to act to protect plaintiff was unreasonable and negligent.

78. As a result of Paula Staropoli's failure to act and protect plaintiff, A.B., she suffered and sustained significant emotional, psychological and psychiatric damage which were the proximate result of Defendant Paula Staropoli's negligence.

79. As a direct and proximate result of defendant Mark Staropoli's conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- b. Judgment against the defendants awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.



FOURTH CAUSE OF ACTION

80. The plaintiffs repeat and reiterate each and every allegation set forth in the First Through Third Causes of Action as if set forth at length herein.

81. During all times herein mentioned, the defendant Clarkstown Soccer Club (the "Club"), and members of the defendant Board of Directors, jointly and severally, stood in loco parentis to plaintiff A.B. and had a duty to protect her from sexual assault and abuse by defendant Mark Staropoli.

82. Defendant Mark Staropoli was at all times relevant hereto the employee, servant and/or agent of defendant Club and as such defendant Club is vicariously liable to plaintiff A.B. for the negligence, carelessness and recklessness of the defendant Mark Staropoli under a theory of respondent Superior.

83. Defendant Club and members of the defendant Board of Directors, defendants Nick Arcuri and Margaret Turrin, became aware of allegations against defendant Mark Staropoli involving sexual misconduct involving the plaintiff A.B.

84. Defendant Club, defendant Arcuri and members of its Board of Directors, defendant, Jane Does and John Does 1 through 5 and defendant employee Margaret Turrin failed to properly investigate or respond to the allegations about defendant Mark Staropoli's sexual conduct.

85. As a proximate result of the failure of the defendant Club and members of its Board of Directors to properly investigate

or respond to the allegations of sexual assault, plaintiff A.B. sustained medical, psychiatric and psychological injury wholly caused by their negligence.

86. As a direct and proximate result of the conduct of the defendant Clarkstown Soccer Club, members of its Board of Directors, defendant, Jane Does and John Does 1 through 5, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- a. Judgment against the defendants awarding punitive damages;
- b. Attorneys fees and costs; and
- c. Any other relief that the Court deems just and proper.

#### FIFTH CAUSE OF ACTION

87. The plaintiffs repeat and reiterate each and every allegation set forth in the First Through Fourth Causes of Action as if set forth at length herein.

88. Defendant Mark Staropoli was at all times relevant hereto the employee, servant and/or agent of defendant Club and as such defendant Club is vicariously liable to plaintiff A.B. for the negligence, carelessness and recklessness of the defendant Mark Staropoli under a theory of respondent Superior.

89. Defendant Club and members of defendant Board of Directors, including defendant Nick Arcuri and Margaret Turrin, and defendants John Doe 1 and Jane Does 1 and 2, (fictitious names for the persons, partnerships and/or corporations intended) failed to properly train and supervise defendant Mark Staropoli as required by law and the Charter of the Club and its National Association, the agreement by and between defendant Club and plaintiffs.

90. As a direct result of the failure of defendant Club and members of defendant Board of Directors to properly supervise and train defendant Mark Staropoli, plaintiff A.B. has sustained medical, psychological and psychiatric injury and damages.

91. As a direct and proximate result of defendant Mark Staropoli, defendant Club and members of defendant Board of Directors' conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- b. Judgment against the defendants awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

SIXTH CAUSE OF ACTION

92. The plaintiffs repeat and reiterate each and every allegation set forth in the First Through Fifth Causes of Action as if set forth at length herein.

93. As his daughter's sole guardian, plaintiff L.B. has sustained damages and incurred financial expenses in the treatment of his daughter's medical, psychiatric and psychological injuries.

94. The expenses incurred by L.B. on behalf of his daughter were all proximately caused by the acts of defendant Mark Staropoli, Paula Staropoli, the Clarkstown Soccer Club and Members of the Board of Directors, Nicholas Arcuri, Margaret Turrin, Direct Kick Soccer and Robert Walkley.

95. As a direct and proximate result of defendant Mark Staropoli, Paula Staropoli, the Club and Members of the Board of Directors' conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- b. Judgment against the defendants awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

SEVENTH CAUSE OF ACTION

96. The plaintiffs repeat and reiterate each and every allegation set forth in the First Through Sixth Causes of Action as if set forth at length herein.

97. The defendant Direct Kick Soccer and Robert Walkley, sponsored a tournament trip to Europe involving the defendant Club, which plaintiff A.B. and defendants Mark Staropoli, Paula Staropoli and Margaret Turrin attended.

98. Defendant Mark Staropoli was at all times relevant hereto the employee, servant and/or agent of defendant Direct Kick Soccer and as such defendant Direct Kick Soccer is vicariously liable to plaintiff A.B. for the negligence, carelessness and recklessness of the defendant Mark Staropoli under a theory of respondent Superior.

99. During all times hereinafter mentioned, both defendants Direct Kick Soccer and Robert Walkley stood in loco parentis to plaintiff A.B. and had a duty to protect her from sexual abuse and other unlawful conduct perpetrated by defendant Mark Staropoli.

100. Defendants Direct Kick Soccer and Robert Walkley failed to properly train and supervise defendant Mark Staropoli as required by law and the Charter of the Direct Kick Soccer Club, its national association and the agreement existing by and between defendant Direct Kick Soccer and plaintiffs A.B. and L.B.

101. As a direct result of the failure of defendants Direct Kick Soccer and Robert Walkley's failure to properly train and

supervise defendant Mark Staropoli, plaintiff A.B. sustained medical, psychological and psychiatric injury and damage.

102. As a direct and proximate result of the negligence of defendants Direct Kick Soccer and Robert Walkley, plaintiff A.B. and her father, plaintiff L.B., incurred financial costs and expenses including medical, psychological, psychiatric and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- b. Judgment against the defendants awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

**EIGHTH CAUSE OF ACTION**

103. The plaintiffs repeat and reiterate each and every allegation set forth in the First Through Seventh Causes of Action as if set forth at length herein.

104. The aforementioned acts committed by defendant, Mark Staropoli, Paul Staropoli, Clarkstown Soccer Club, Direct Kick Soccer, Robert Walkley, John Does 1 through 4 and Jane Does 1 through 4 were done with reckless and wanton disregard of the safety and well being of plaintiff A.B.

105. As a direct and proximate result of the conduct of the defendant Clarkstown Soccer Club, members of its Board of

Directors, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

106. As a direct and proximate result of defendant Mark Staropoli, defendant Club and members of defendant Board of Directors' conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- b. Judgment against the defendants awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

EINHORN, HARRIS, ASCHER, BARBARITO,  
FROST & IRONSON, P.C.  
Attorneys for Plaintiffs

By 

Michael R. Ascher

Dated: December 20, 2007

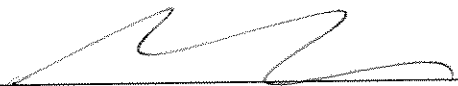
JURY DEMAND

Pursuant to Federal Rules of Civil Procedure 38(b), Plaintiff requests a trial by jury on all issues involved.

EINHORN, HARRIS, ASCHER, BARBARITO,  
FROST & IRONSON, P.C.



Attorneys for Plaintiffs

By   
Michael R. Ascher

Dated: December 20, 2007

CERTIFICATION PURSUANT TO L. CIV. R. 11.2

I certify that, to the best of my knowledge, this matter is not the subject of any other civil action pending in any Court or of any pending arbitration or administrative proceeding other than criminal matters in the States of New Jersey and New Jersey, respectively entitled The People of the State of New York v. Mark Staropoli, Indictment No: 2005-33 and in the State of New Jersey v. Mark Staropoli, Indictment No.: 05-000093.

  
Michael R. Ascher

Dated: December 20, 2007

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B. , INDIVIDUALLY,

### SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

CASE NUMBER:

TO: (Name and address of Defendant)

CLARKSTOWN SOCCER CLUB  
2 FOX BURN STREET  
NEW CITY, NY 10956

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

an answer to the complaint which is served on you with this summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.            Name of person with whom the summons and complaint were left:         </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">           Executed on _____  <div style="text-align: center; font-size: small;">Date</div> </div> <div style="width: 60%;">           _____  <div style="text-align: center; font-size: small;">Signature of Server</div>              _____  <div style="text-align: center; font-size: small;">Address of Server</div> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B. , INDIVIDUALLY,

### SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

CASE NUMBER:

TO: (Name and address of Defendant)

CLARKSTOWN SOCCER CLUB  
BOARD OF DIRECTORS  
2 FOXBURN STREET  
NEW CITY, NY 10956

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

an answer to the complaint which is served on you with this summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
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(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B. , INDIVIDUALLY,

### SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

CASE NUMBER:

TO: (Name and address of Defendant)

DIRECT KICK SOCCER  
72 ROOSEVELT AVE  
RED RIVER , NY

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

an answer to the complaint which is served on you with this summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

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AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

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### SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

CASE NUMBER:

TO: (Name and address of Defendant)

MARK STAROPOLI  
800 BRADLEY PARK WAY  
BLAUVELT, NY 10913

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
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AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B. , INDIVIDUALLY,

### SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

CASE NUMBER:

TO: (Name and address of Defendant)

MARGARET TURRIN  
2 PREAKNESS LANE  
NEW CITY, NY 10956

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

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AO 440 (Rev. 8/01) Summons in a Civil Action

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AO 440 (Rev. 8/01) Summons in a Civil Action

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## UNITED STATES DISTRICT COURT

District of

New Jersey

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A.B. AND L.B. , INDIVIDUALLY,

### SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

CASE NUMBER:

TO: (Name and address of Defendant)

NICHOLAS ARCURI  
26 ELDOR AVE  
NEW CITY, NY 10956

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

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AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of New Jersey

A.B. AND L.B. , INDIVIDUALLY,

### SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

CASE NUMBER:

TO: (Name and address of Defendant)

[PAULA STAROPOLI  
800 BRADLEY PARK WAY  
BLAUVELT, NY 10913

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

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## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B. , INDIVIDUALLY,

### SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

CASE NUMBER:

TO: (Name and address of Defendant)

ROBERT WALKLEY  
72 ROOSEVELT AVE  
COLD RIVER, NY

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

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JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

A.B. AND L.B., INDIVIDUALLY

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

MICHEAL R. ASCHER, ESQ.

165 EAST MAIN STREET, DENVER, NJ 07823

## DEFENDANTS

MARK STAROPOLI, PAULA STAROPOLI, ET AL

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State PTF ☒ 1 DEF ☐ 1
- Citizen of Another State ☐ 2 ☐ 2
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3
- Incorporated or Principal Place of Business In This State PTF ☐ 4 DEF ☐ 4
- Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC SECTION 139Qa

Brief description of cause:  
SEE ATTACHMENT

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

## DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

### Addendum to Brief Description

The Plaintiff, a minor incapable of consent was sexually assaulted by her soccer coach who stood in loco parent to her. The other Defendants knew or should have known of the ongoing sexual assault, but to no action to protect Plaintiff. They failed to either properly train or supervise the Defendant coach or properly investigate the relationship between the Plaintiff and the Defendant each.

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B., INDIVIDUALLY,

## SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

SEE ATTACHED ROER

CASE NUMBER: 07-6077 (KSH)

TO: (Name and address of Defendant)

MARK STAROPOLI  
800 BRADLEY PARK WAY  
BLAUVELT, NY 10913

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

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WILLIAM T. WALSH

CLERK



(By) DEPUTY CLERK

DATE

1/7/2008

RECEIVED

DEC 20 2007

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH, CLERK

EINHORN, HARRIS, ASCHER, BARBARITO, FROST & IRONSON  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiff

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually, )

Plaintiffs, )

vs. )

MARK STAROPOLI, PAULA  
STAROPOLI, CLARKSTOWN SOCCER  
CLUB, CLARKSTOWN SOCCER CLUB,  
BOARD MEMBERS OF EMPLOYEES OF  
THE CLARKSTOWN SOCCER CLUB,  
NICHOLAS ARCURI, MARGARET  
TURRIN, DIRECT KICK SOCCER,  
ROBERT Walkley, JOHN DOES 1  
through 5 (fictitious names  
for the persons, partnerships  
and/or corporations intended),  
JANE DOES 1 through 5  
(fictitious names for the  
persons, partnerships and/or  
corporations intended), and  
RICHARD ROES 1 through 5  
(fictitious names for the  
persons, partnerships and/or  
corporations intended),

Defendants. )

Docket No. 07-6077 (KSH)

Civil Action

COMPLAINT AND DEMAND FOR  
JURY TRIAL



§AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>		DATE
NAME OF SERVER (PRINT)		TITLE
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____ Date		
_____ Signature of Server		
_____ Address of Server		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of New Jersey

A.B. AND L.B. , INDIVIDUALLY,

## SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

SEE ATTACHED ROAD

CASE NUMBER:

07-6077 (KSH)

TO: (Name and address of Defendant)

[PAULA STAROPOLI]  
800 BRADLEY PARK WAY  
BLAUVELT, NY 10913

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

WILLIAM T. WALSH

CLERK



(By) DEPUTY CLERK

DATE

1/7/2008

RECEIVED

DEC 20 2007

AT 8:30                      M  
WILLIAM T. WALSH, CLERK

EINHORN, HARRIS, ASCHER, BARBARITO, FROST & IRONSON  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiff

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually, )  
Plaintiffs, )  
vs. )

Docket No. 07-6077(KSH)

Civil Action

COMPLAINT AND DEMAND FOR  
JURY TRIAL

MARK STAROPOLI, PAULA )  
STAROPOLI, CLARKSTOWN SOCCER )  
CLUB, CLARKSTOWN SOCCER CLUB, )  
BOARD MEMBERS OF EMPLOYEES OF )  
THE CLARKSTOWN SOCCER CLUB, )  
NICHOLAS ARCURI, MARGARET )  
TURRIN, DIRECT KICK SOCCER, )  
ROBERT Walkley, JOHN DOES 1 )  
through 5 (fictitious names )  
for the persons, partnerships )  
and/or corporations intended), )  
JANE DOES 1 through 5 )  
(fictitious names for the )  
persons, partnerships and/or )  
corporations intended), and )  
RICHARD ROES 1 through 5 )  
(fictitious names for the )  
persons, partnerships and/or )  
corporations intended), )  
Defendants. )

AO 440 (Rev. 8/01) Summons in a Civil Action

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<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="margin-top: 20px;">Executed on _____ Date</div> <div style="margin-top: 10px; margin-left: 300px;">_____ Signature of Server</div> <div style="margin-top: 40px; margin-left: 300px;">_____ Address of Server</div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B. , INDIVIDUALLY,

## SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

SEE ATTACHED ROAD

CASE NUMBER: 07-6077 (KSH)

TO: (Name and address of Defendant)

CLARKSTOWN SOCCER CLUB  
2 FOX BURN STREET  
NEW CITY, NY 10956

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

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WILLIAM T. WALSH

CLERK



(By) DEPUTY CLERK

DATE

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EINHORN, HARRIS, ASCHER, BARBARITO, FROST & IRONSON  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiff

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually, )

Plaintiffs, )

vs. )

MARK STAROPOLI, PAULA )

STAROPOLI, CLARKSTOWN SOCCER )

CLUB, CLARKSTOWN SOCCER CLUB, )

BOARD MEMBERS OF EMPLOYEES OF )

THE CLARKSTOWN SOCCER CLUB, )

NICHOLAS ARCURI, MARGARET )

TURRIN, DIRECT KICK SOCCER, )

ROBERT Walkley, JOHN DOES 1 )

through 5 (fictitious names )

for the persons, partnerships )

and/or corporations intended), )

JANE DOES 1 through 5 )

(fictitious names for the )

persons, partnerships and/or )

corporations intended), and )

RICHARD ROES 1 through 5 )

(fictitious names for the )

persons, partnerships and/or )

corporations intended), )

Defendants. )

Docket No. 07-6077 (KSH)

Civil Action

COMPLAINT AND DEMAND FOR  
JURY TRIAL

AO 440 (Rev. 8/01) Summons in a Civil Action

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<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date</p> <p>_____ Signature of Server</p> <p>_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B. , INDIVIDUALLY,

## SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

SEE ATTACHED RIDER

CASE NUMBER:

07-6077 (KSH)

TO: (Name and address of Defendant)

CLARKSTOWN SOCCER CLUB  
BOARD OF DIRECTORS  
2 FOXBURN STREET  
NEW CITY, NY 10956

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

WILLIAM T. WALSH

CLERK



(By) DEPUTY CLERK

DATE

1/7/2008



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WILLIAM T. WALSH, CLERK

EINHORN, HARRIS, ASCHER, BARBARITO, FROST & IRONSON  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiff

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually, )

Plaintiffs, )

vs. )

MARK STAROPOLI, PAULA )

STAROPOLI, CLARKSTOWN SOCCER )

CLUB, CLARKSTOWN SOCCER CLUB, )

BOARD MEMBERS OF EMPLOYEES OF )

THE CLARKSTOWN SOCCER CLUB, )

NICHOLAS ARCURI, MARGARET )

TURRIN, DIRECT KICK SOCCER, )

ROBERT Walkley, JOHN DOES 1 )

through 5 (fictitious names )

for the persons, partnerships )

and/or corporations intended), )

JANE DOES 1 through 5 )

(fictitious names for the )

persons, partnerships and/or )

corporations intended), and )

RICHARD ROES 1 through 5 )

(fictitious names for the )

persons, partnerships and/or )

corporations intended), )

Defendants. )

Docket No. 07-6077(KSH)

Civil Action

COMPLAINT AND DEMAND FOR  
JURY TRIAL

AO 440 (Rev. 8/01) Summons in a Civil Action

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<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____ <div style="display: flex; justify-content: space-between;"> <span>Date</span> <span>Signature of Server</span> </div>		
_____ Address of Server		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B. , INDIVIDUALLY,

## SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

SEE ATTACHED RIDAL

CASE NUMBER:

07-6077 (KSH)

TO: (Name and address of Defendant)

NICHOLAS ARCURI  
26 ELDOR AVE  
NEW CITY, NY 10956

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

WILLIAM T. WALSH

CLERK



(By) DEPUTY CLERK

DATE

1/7/2008

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WILLIAM T. WALSH, CLERK

EINHORN, HARRIS, ASCHER, BARBARITO, FROST & IRONSON  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiff

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually, )

Plaintiffs, )

vs. )

Docket No. 07-6077 (KSH)

Civil Action

COMPLAINT AND DEMAND FOR  
JURY TRIAL

MARK STAROPOLI, PAULA  
STAROPOLI, CLARKSTOWN SOCCER  
CLUB, CLARKSTOWN SOCCER CLUB,  
BOARD MEMBERS OF EMPLOYEES OF  
THE CLARKSTOWN SOCCER CLUB,  
NICHOLAS ARCURI, MARGARET  
TURRIN, DIRECT KICK SOCCER,  
ROBERT Walkley, JOHN DOES 1  
through 5 (fictitious names  
for the persons, partnerships  
and/or corporations intended),  
JANE DOES 1 through 5  
(fictitious names for the  
persons, partnerships and/or  
corporations intended), and  
RICHARD ROES 1 through 5  
(fictitious names for the  
persons, partnerships and/or  
corporations intended),

Defendants. )

AO 440 (Rev. 3/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>		DATE
NAME OF SERVER (PRINT)		TITLE
Check one box below to indicate appropriate method of service		
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<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____ Date		
_____ Signature of Server		
_____ Address of Server		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

SAO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B. , INDIVIDUALLY,

## SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

SEE ATTACHED RIDER

CASE NUMBER: 07-6077 (KSH)

TO: (Name and address of Defendant)

MARGARET TURRIN  
2 PREAKNESS LANE  
NEW CITY, NY 10956

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

WILLIAM T. WALSH

CLERK



(By) DEPUTY CLERK

DATE

1/7/2008

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WILLIAM T. WALSH, CLERK

EINHORN, HARRIS, ASCHER, BARBARITO, FROST & IRONSON  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiff

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually,

Plaintiffs,

vs.

MARK STAROPOLI, PAULA  
STAROPOLI, CLARKSTOWN SOCCER  
CLUB, CLARKSTOWN SOCCER CLUB,  
BOARD MEMBERS OF EMPLOYEES OF  
THE CLARKSTOWN SOCCER CLUB,  
NICHOLAS ARCURI, MARGARET  
TURRIN, DIRECT KICK SOCCER,  
ROBERT Walkley, JOHN DOES 1  
through 5 (fictitious names  
for the persons, partnerships  
and/or corporations intended),  
JANE DOES 1 through 5  
(fictitious names for the  
persons, partnerships and/or  
corporations intended), and  
RICHARD ROES 1 through 5  
(fictitious names for the  
persons, partnerships and/or  
corporations intended),

Defendants.

Docket No. 07-6077(KSH)

Civil Action

COMPLAINT AND DEMAND FOR  
JURY TRIAL

AO 440 (Rev. 8/01) Summons in a Civil Action

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Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
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<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="margin-top: 20px;"><div style="display: inline-block; width: 30%;">Executed on _____</div><div style="display: inline-block; width: 30%; text-align: center;">Date</div><div style="display: inline-block; width: 40%; text-align: center;">Signature of Server</div></div> <div style="margin-top: 20px; text-align: center;">Address of Server _____</div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B. , INDIVIDUALLY,

## SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

SEE ATTACHED RECORD

CASE NUMBER: 07-6077 (KSR)

TO: (Name and address of Defendant)

DIRECT KICK SOCCER  
72 ROOSEVELT AVE  
RED RIVER, NY

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

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WILLIAM T. WALSH

CLERK

DATE

1/7/2008

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EINHORN, HARRIS, ASCHER, BARBARITO, FROST & IRONSON  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiff

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually,

Plaintiffs,

vs.

MARK STAROPOLI, PAULA  
STAROPOLI, CLARKSTOWN SOCCER  
CLUB, CLARKSTOWN SOCCER CLUB,  
BOARD MEMBERS OF EMPLOYEES OF  
THE CLARKSTOWN SOCCER CLUB,  
NICHOLAS ARCURI, MARGARET  
TURRIN, DIRECT KICK SOCCER,  
ROBERT Walkley, JOHN DOES 1  
through 5 (fictitious names  
for the persons, partnerships  
and/or corporations intended),  
JANE DOES 1 through 5  
(fictitious names for the  
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(fictitious names for the  
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corporations intended),

Defendants.

Docket No. 07-6077(KSH)

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STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
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(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of

New Jersey

A.B. AND L.B. , INDIVIDUALLY,

## SUMMONS IN A CIVIL ACTION

V.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, ET AL

SEE ATTACHED RIDAR

CASE NUMBER:

07-6077 (KSH)

TO: (Name and address of Defendant)

ROBERT WALKLEY  
72 ROOSEVELT AVE  
COLD RIVER, NY

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL R. ASCHER, ESQ.  
EINHORN, HARRIS, ASCHER, BARBARITO, FROST, & IRONSON, P.C.  
165 MAIN STREET  
ROUTE 53  
DENVER, NJ 07834

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WILLIAM T. WALSH

CLERK



(By) DEPUTY CLERK

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EINHORN, HARRIS, ASCHER, BARBARITO, FROST & IRONSON  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiff

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually, )

Plaintiffs, )

vs. )

MARK STAROPOLI, PAULA  
STAROPOLI, CLARKSTOWN SOCCER  
CLUB, CLARKSTOWN SOCCER CLUB,  
BOARD MEMBERS OF EMPLOYEES OF  
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(fictitious names for the  
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(fictitious names for the  
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corporations intended),

Defendants. )

Docket No. 07-6077(KSH)

Civil Action

COMPLAINT AND DEMAND FOR  
JURY TRIAL

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <div style="display: flex; justify-content: space-between; width: 100%;"> <span>Date</span> <span>Signature of Server</span> </div>   <div style="text-align: center; margin-top: 20px;"> Address of Server </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET**  
EFFECTED (1) BY ME: **JOHN OBIE**  
TITLE: **PROCESS SERVER**

DATE: 01/05/2008 12:58PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☐ Served personally upon the defendant:

BOARD MEMBERS OF EMPLOYEES OF THE CLAKRSTOWN SOCCER CLUB

Place where served:

2 FOX BURN ST NEW CITY NY 10956

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

MICHAEL MORAN

Relationship to defendant: AUTHORIZED AGENT

Description of person accepting service:

SEX: M AGE: 51-65 HEIGHT: 5'9"-6'0" WEIGHT: OVER 200 LBS. SKIN: WHITE HAIR: BALD OTHER: \_\_\_\_\_

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_


SERVICES \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 01 / 05 / 2008

  
\_\_\_\_\_  
SIGNATURE OF JOHN OBIE L.S.  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

ATTORNEY: MICHAEL R. ASCHER, ESQ.  
PLAINTIFF: A.B., ET AL  
DEFENDANT: MARK STAROPOLI, ET AL  
VENUE: DISTRICT  
DOCKET: 07 CV 6077

01/05/08  
  
JANIRA SANTIAGO VELEZ  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 24, 2012

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

S R



AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET**  
EFFECTED (1) BY ME: **JOHN OBIE**  
TITLE: **PROCESS SERVER**

DATE: 01/05/2008 12:57PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☐ Served personally upon the defendant:

CLARKSTOWN SOCCER CLUB

Place where served:

2 FOX BURN ST NEW CITY NY 10956

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

MICHAEL MORAN

Relationship to defendant: AUTHORIZED AGENT

Description of person accepting service:

SEX: M AGE: 51-65 HEIGHT: 5'9"-6'0" WEIGHT: OVER 200 LBS. SKIN: WHITE HAIR: BALD OTHER: \_\_\_\_\_

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_


SERVICES \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_


## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 01/05/2008

  
\_\_\_\_\_  
SIGNATURE OF JOHN OBIE L.S.  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

ATTORNEY: MICHAEL R. ASCHER, ESQ.  
PLAINTIFF: A.B., ET AL  
DEFENDANT: MARK STAROPOLI, ET AL  
VENUE: DISTRICT  
DOCKET: 07 CV 6077

01/05/08  
  
JANIRA SANTIAGO VELEZ  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 24, 2012

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

SR





AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET**  
EFFECTED (1) BY ME: **JOHN OBIE**  
TITLE: **PROCESS SERVER**

DATE: 01/05/2008 02:50PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☐ Served personally upon the defendant:

MARK STAROPOLI

Place where served:

800 BRADLEY PARK WAY BLAUVELT NY 10913

☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

PAULA STAROPOLI

Relationship to defendant: WIFE

Description of person accepting service:

SEX: F AGE: 36-50 HEIGHT: 5'9"-6'0" WEIGHT: 131-160 LBS. SKIN: WHITE HAIR: BROWN OTHER: \_\_\_\_\_

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_


SERVICES \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 01/05/2008

  
\_\_\_\_\_  
SIGNATURE OF JOHN OBIE L.S.  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

01/05/08

  
JANIRA SANTIAGO VELEZ  
NOTARY PUBLIC IN THE STATE OF NEW JERSEY  
My Commission Expires April 24, 2012

ATTORNEY: MICHAEL R. ASCHER, ESQ.  
PLAINTIFF: A.B., ET AL  
DEFENDANT: MARK STAROPOLI, ET AL  
VENUE: DISTRICT  
DOCKET: 07 CV 6077

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET**  
EFFECTED (1) BY ME: **JOHN OBIE**  
TITLE: **PROCESS SERVER**

DATE: 01/05/2008 01:06PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☒ Served personally upon the defendant:

MARGARET TURRIN

Place where served:

2 PREAKNESS LANE NEW CITY NY 10956

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

MARGARET TURRIN

Relationship to defendant: SELF

Description of person accepting service:

SEX: F AGE: 51-65 HEIGHT: 5'9"-6'0" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: BLACK OTHER:

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$

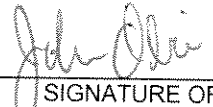
SERVICES \$

TOTAL \$


## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 01 / 05 / 20 08

  
SIGNATURE OF JOHN OBIE L.S.  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

ATTORNEY: MICHAEL R. ASCHER, ESQ.  
PLAINTIFF: A.B., ET AL  
DEFENDANT: MARK STAROPOLI, ET AL  
VENUE: DISTRICT  
DOCKET: 07 CV 6077

01/05/08  
  
JANIRA SANTIAGO VELEZ  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 24, 2012

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

SR



AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET**  
EFFECTED (1) BY ME: **JOHN OBIE**  
TITLE: **PROCESS SERVER**

DATE: 01/05/2008 12:55PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☒ Served personally upon the defendant:

NICHOLAS ARCURI

Place where served:

26 ELDOR AVE NEW CITY NY 10956

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

NICHOLAS ARCURI

Relationship to defendant: SELF

Description of person accepting service:

SEX: M AGE: 51-65 HEIGHT: 5'9"-6'0" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: BROWN OTHER: \_\_\_\_\_

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_

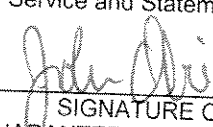
SERVICES \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 01 / 05 / 2008

  
\_\_\_\_\_  
SIGNATURE OF JOHN OBIE L.S.  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

01/05/08



JANIRA SANTIAGO VELEZ  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 24, 2012

ATTORNEY: MICHAEL R. ASCHER, ESQ.  
PLAINTIFF: A.B., ET AL  
DEFENDANT: MARK STAROPOLI, ET AL  
VENUE: DISTRICT  
DOCKET: 07 CV 6077

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

SR



AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET**  
EFFECTED (1) BY ME: **JOHN OBIE**  
TITLE: **PROCESS SERVER**

DATE: 01/05/2008 02:48PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☒ Served personally upon the defendant:

PAULA STAROPOLI

Place where served:

800 BRADLEY PARK WAY BLAUVELT NY 10913

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

PAULA STAROPOLI

Relationship to defendant: SELF

Description of person accepting service:

SEX: F AGE: 36-50 HEIGHT: 5'9"-6'0" WEIGHT: 131-160 LBS. SKIN: WHITE HAIR: BROWN OTHER: \_\_\_\_\_

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_

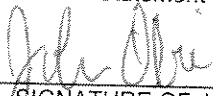
SERVICES \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 01 / 05 / 2008

  
\_\_\_\_\_  
SIGNATURE OF JOHN OBIE L.S.  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

01/05/08  
  
JANIRA SANTIAGO VELEZ  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 24, 2012

ATTORNEY: MICHAEL R. ASCHER, ESQ.  
PLAINTIFF: A.B., ET AL  
DEFENDANT: MARK STAROPOLI, ET AL  
VENUE: DISTRICT  
DOCKET: 07 CV 6077

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

SR



AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET**  
EFFECTED (1) BY ME: **JOHN OBIE**  
TITLE: **PROCESS SERVER**

DATE: 01/07/2008 08:35PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☒ Served personally upon the defendant:

ROBERT WALKLEY

Place where served:

72 ROOSEVELT AVE PEARL RIVER NY 10965

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

ROBERT WALKLEY

Relationship to defendant: SELF

Description of person accepting service:

SEX: M AGE: 51-65 HEIGHT: 5'4"-5'8" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: BROWN OTHER: \_\_\_\_\_

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_

SERVICES \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 01 / 07 / 20 08

L.S.

SIGNATURE OF JOHN OBIE  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

01-07-08

JANIRA SANTIAGO VELEZ  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 24, 2012

ATTORNEY: MICHAEL R. ASCHER, ESQ.  
PLAINTIFF: A.B., ET AL  
DEFENDANT: MARK STAROPOLI, ET AL  
JUDGE: DISTRICT  
CASE: 07 CV 6077

As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

RR





AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET**  
EFFECTED (1) BY ME: **JOHN OBIE**  
TITLE: **PROCESS SERVER**

DATE: 01/07/2008 08:36PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☐ Served personally upon the defendant:

DIRECT KICK SOCCER

Place where served:

72 ROSSEVELT AVE PEARL RIVER NY 10965

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

ROBERT WALKLEY

Relationship to defendant: AUTHORIZED AGENT

Description of person accepting service:

SEX: M AGE: 51-65 HEIGHT: 5'4"-5'8" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: BROWN OTHER:

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_


SERVICES \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 01 / 07 / 2008

  
L.S.  
SIGNATURE OF JOHN OBIE  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

01/07/08

  
JANIRA SANTIAGO-VELEZ  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 24, 2012

ATTORNEY: MICHAEL R. ASCHER, ESQ.  
PLAINTIFF: A.B., ET AL  
DEFENDANT: MARK STAROPOLI, ET AL  
VENUE: DISTRICT  
DOCKET: 07 CV 6077

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

RR



AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET**  
EFFECTED (1) BY ME: **JOHN OBIE**  
TITLE: **PROCESS SERVER**

DATE: 01/07/2008 08:35PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☒ Served personally upon the defendant:

ROBERT WALKLEY

Place where served:

72 ROOSEVELT AVE PEARL RIVER NY 10965

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

ROBERT WALKLEY

Relationship to defendant: SELF

Description of person accepting service:

SEX: M AGE: 51-65 HEIGHT: 5'4"-5'8" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: BROWN OTHER: \_\_\_\_\_

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_


SERVICES \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 01 / 07 / 20 08

  
\_\_\_\_\_  
SIGNATURE OF JOHN OBIE L.S.  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

01-07-08



JANIRA SANTIAGO VELEZ  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 24, 2012

ATTORNEY: MICHAEL R. ASCHER, ESQ.  
PLAINTIFF: A.B., ET AL  
DEFENDANT: MARK STAROPOLI, ET AL  
JUDGE: DISTRICT  
CASE: 07 CV 6077

As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

RR

AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET**  
EFFECTED (1) BY ME: **JOHN OBIE**  
TITLE: **PROCESS SERVER**

DATE: 01/07/2008 08:36PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☐ Served personally upon the defendant:

DIRECT KICK SOCCER

Place where served:

72 ROSSEVELT AVE PEARL RIVER NY 10965

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

ROBERT WALKLEY

Relationship to defendant: AUTHORIZED AGENT

Description of person accepting service:

SEX: M AGE: 51-65 HEIGHT: 5'4"-5'8" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: BROWN OTHER: \_\_\_\_\_

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_


SERVICES \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 01 / 07 / 2008

  
L.S.  
SIGNATURE OF JOHN OBIE  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

01/07/08



JANIRA SANTIAGO-VELEZ  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 24, 2012

ATTORNEY: MICHAEL R. ASCHER, ESQ.  
PLAINTIFF: A.B., ET AL  
DEFENDANT: MARK STAROPOLI, ET AL  
VENUE: DISTRICT  
DOCKET: 07 CV 6077

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

RR



NICOLL DAVIS & SPINELLA LLP  
 95 Route 17 South  
 Paramus, New Jersey 07652  
 (201) 712-1616  
 Attorneys for Defendant, Paula Staropoli

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEW JERSEY**

	)	
A.B. and L.B., individually,	)	Case No.: 2:07-cv-6077
	)	
Plaintiff,	)	
	)	
vs.	)	<b>APPLICATION FOR A CLERK'S</b>
	)	<b>EXTENSION</b>
MARK STAROPOLI, PAULA STAROPOLI,	)	
CLARKSTOWN SOCCER CLUB,	)	
CLARKSTOWN SOCCER CLUB, BOARD	)	
MEMBERS OF EMPLOYERS OF THE	)	
CLARKSTOWN SOCCER CLUB,	)	
NICHOLAS ARCURI, MARGARET	)	
TURRIN, DIRECT KICK SOCCER, ROBERT	)	
WALKLEY, JOHN DOES 1 through 5	)	
(fictitious names for the persons, partnerships	)	
and/or corporations intended), JANE DOES 1	)	
through 5 (fictitious names for the persons,	)	
partnerships and/or corporations intended), and	)	
RICHARD ROES 1 through 5 (fictitious names	)	
for the persons, partnerships and/or	)	
corporations intended),	)	
	)	
Defendants.	)	

Application is hereby made pursuant to Local Civil Rule 6.1(b) for a Clerk's Order extending the time within which defendant Paula Staropoli may answer, move or otherwise respond to the complaint filed by plaintiff, A.B. and L.B., individually, to February 25, 2008, and it is represented that:

1. Plaintiff filed this action in the United States District Court for the District of New Jersey on December 20, 2007.
2. The summons and complaint were served on January 5, 2008.

3. Pursuant to Fed. R. Civ. P. 12(a), the time in which defendant must answer or otherwise respond expired on January 25, 2008.

4. The time during which defendant must answer or otherwise respond to plaintiff's complaint has not been previously extended.

Dated: February 4, 2008

NICOLL DAVIS & SPINELLA LLP

By: /s/ Jack T. Spinella  
Jack T. Spinella

**ORDER**

On this \_\_\_\_\_ day of February 2008, the above application is GRANTED, and the time within which defendant shall answer or otherwise reply is extended to February 25, 2008.

WILLIAM T. WALSH, Clerk  
United States District Court,  
District of New Jersey

BY: \_\_\_\_\_  
Deputy Clerk

**NICOLL DAVIS & SPINELLA LLP**  
ATTORNEYS AT LAW

95 ROUTE 17 SOUTH  
SUITE 203  
PARAMUS, N.J. 07652  
TEL: (201) 712-1616  
FAX: (201) 712-9444

250 PARK AVENUE  
SUITE 1500  
NEW YORK, N.Y. 10177  
TEL: (212) 972-0786  
FAX: (212) 953-7201

February 4, 2008

**ELECTRONICALLY FILE**

William T. Walsh, Clerk  
United States District Court for the  
District of New Jersey  
M.L. King, Jr. Federal Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

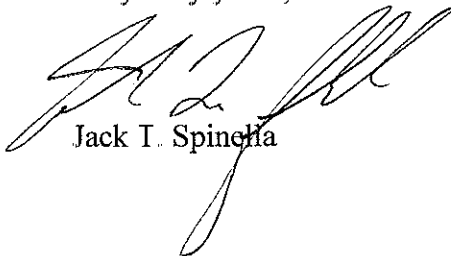
**Re: A.B. and L.B., individually v. Mark Staropoli, Paula Staropoli, et als.**  
**Civil Action No. 2:07-cv-6077**

Dear Mr. Walsh:

Enclosed is a Consent Order executed by counsel in the referenced action. If said Order meets with the Judge's approval, please have the Consent Order executed.

Thank you for your consideration regarding this matter.

Very truly yours,



Jack T. Spinella

JTS:jfd

Enclosures

cc: Michael R. Ascher, Esq.

NICOLL DAVIS & SPINELLA LLP  
95 Route 17 South  
Paramus, New Jersey 07652  
(201) 712-1616  
Attorneys for Defendant, Paula Staropoli

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

A.B. and L.B., individually,

Plaintiff,

Civil Action Number: 2:07-cv-6077

v.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS OF EMPLOYERS OF THE  
CLARKSTOWN SOCCER CLUB,  
NICHOLAS ARCURI, MARGARET TURRIN,  
DIRECT KICK SOCCER, ROBERT  
WALKLEY, JOHN DOES 1 through 5  
(fictitious names for the persons, partnerships  
and/or corporations intended), JANE DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names  
for the persons, partnerships and/or corporations  
intended),

Defendants.

**CONSENT ORDER**

PAULA STAROPOLI (the "Defendant") and A.B. and L.B., individually (the  
"Plaintiff"), by their respective counsel, having jointly agreed to the following, it is therefore,  
ADJUDGED, ORDERED and DECREED that:

1. The Defendant shall have until Monday, February 25, 2008, to move, plead or  
respond to the Plaintiffs' Complaint;

Feb. 4, 2008

3:06 PM

Nicoll Davis &amp; Spinella LLP

Case 2:08-cv-00158-SJS Document 23-2 Filed 02/04/08 Page 2 of 2

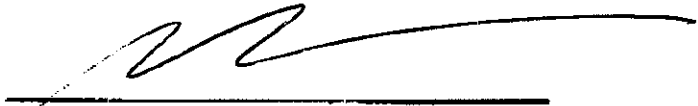
2. The following parties are to receive copies of this consent order after its entry:

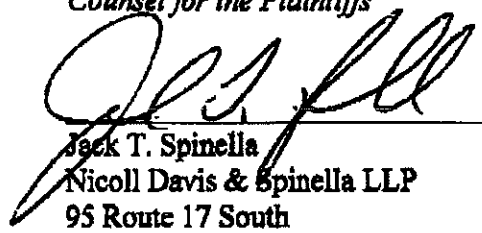
Paula Staropoli  
Jack T. Spinella, Esq.  
Nicoll Davis & Spinella LLP  
95 Route 17 South  
Paramus, New Jersey 07652  
*Counsel for the Defendant*

A.B. and L.B., individually  
Michael R. Ascher  
Einhorn, Harris, Ascher, Barbarito, Frost & Ironson  
165 E. Main Street  
Denville, New Jersey 07834-3010  
Phone: (973) 627-7300  
Fax: (973) 627-0869  
*Counsel for the Plaintiffs*

ENTERED this \_\_\_\_ day of February 2008 at Newark, New Jersey.

\_\_\_\_\_  
Judge, United States District Court

  
\_\_\_\_\_  
Michael R. Ascher  
Einhorn, Harris, Ascher, Barbarito, Frost & Ironson  
165 E. Main Street  
Denville, New Jersey 07834-3010  
Phone: (973) 627-7300  
Fax: (973) 627-0869  
*Counsel for the Plaintiffs*

  
\_\_\_\_\_  
Jack T. Spinella  
Nicoll Davis & Spinella LLP  
95 Route 17 South  
Paramus, NJ 07652  
*Counsel for the Defendant*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Honorable Patty Shwartz  
United States Magistrate Judge

U.S. Post Office & Courthouse Bldg.  
Federal Square, Newark, NJ 07101  
(973) 645-6596

February 8, 2008

LETTER

RE: **A.B., et al. v. MARK STAROPOLI**  
**Civil Action No. 07-6077(KSH)**

Dear Litigants:

I have been assigned case management responsibilities in the above-referenced matter. This letter is intended to advise you of some requirements established for the early stages of the litigation.

First, please provide my Chambers with the names and addresses of all attorneys involved in this case, when such information is available to you, and immediately supply a copy of this letter to your adversaries.

Second, Rule 4(m) of the Federal Rules of Civil Procedure requires that you serve a copy of the Summons and Complaint upon your adversaries within 120 days of the date of filing the Complaint. Otherwise, the action will be terminated.

Third, L. Civ. R. 26.1(b) requires counsel to confer and to submit a joint discovery plan before the initial conference, which will be scheduled as soon as one or more parties are joined. Scheduling of all motions will be addressed at the Rule 16 conference. Prior to that time, no motions, including motions to dismiss or motions to transfer, shall be filed without leave of Court.

Fourth, I draw counsel's attention to the voluntary disclosures mandated by Fed. R. Civ. P. 26(a). No other discovery shall be conducted until further Order of the Court.

Fifth, the Court has implemented an electronic case filing system for all documents filed with the Clerk of the Court. Electronic case filing is mandatory for all cases except those involving a pro se litigant. Registration forms, on-line training, policies and procedures can be obtained from the Clerk's Office or the website: [pacer.njd.uscourts.gov](http://pacer.njd.uscourts.gov). On-site training is also available and can be arranged by contacting (973) 645-4439. Orders will be electronically filed. Paper copies will be provided to pro se litigants. Registered counsel will be notified when an order is filed but are responsible for retrieving and reviewing the contents.

Finally, all counsel are expected and required to be in Court on time and ready to proceed for all scheduled proceedings.

If you have any questions regarding any of these matters, please contact my Deputy Clerk, Amy Andersonn at (973) 645-3715.

Very truly yours,

s/Patty Shwartz  
**United States Magistrate Judge**

NICOLL DAVIS & SPINELLA LLP  
95 Route 17 South  
Paramus, New Jersey 07652  
(201) 712-1616  
Attorneys for Defendant, Paula Staropoli

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually,

Plaintiff,

Civil Action Number: 2:07-cv-6077

v.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS OF EMPLOYERS OF THE  
CLARKSTOWN SOCCER CLUB,  
NICHOLAS ARCURI, MARGARET TURRIN,  
DIRECT KICK SOCCER, ROBERT  
WALKLEY, JOHN DOES 1 through 5  
(fictitious names for the persons, partnerships  
and/or corporations intended), JANE DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names  
for the persons, partnerships and/or corporations  
intended),

Defendants.

**CONSENT ORDER**

PAULA STAROPOLI (the "Defendant") and A.B. and L.B., individually (the  
"Plaintiff"), by their respective counsel, having jointly agreed to the following, it is therefore,  
ADJUDGED, ORDERED and DECREED that:

1. The Defendant shall have until Monday, February 25, 2008, to move, plead or  
respond to the Plaintiffs' Complaint;

*If a party intends to file a  
motion in lieu of an answer, then  
the party shall submit a letter  
setting forth the bases for  
same by way of a telephone  
conference.*

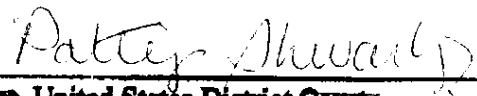



2. The following parties are to receive copies of this consent order after its entry:

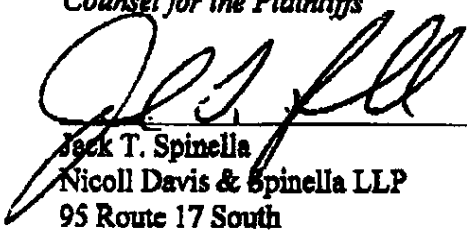
Paula Staropoli  
Jack T. Spinella, Esq.  
Nicoll Davis & Spinella LLP  
95 Route 17 South  
Paramus, New Jersey 07652  
*Counsel for the Defendant*

A.B. and L.B., individually  
Michael R. Ascher  
Einhorn, Harris, Ascher, Barbarito, Frost & Ironson  
165 E. Main Street  
Denville, New Jersey 07834-3010  
Phone: (973) 627-7300  
Fax: (973) 627-0869  
*Counsel for the Plaintiffs*

ENTERED this 4<sup>th</sup> day of February 2008 at Newark, New Jersey.

  
\_\_\_\_\_  
Judge, United States District Court  
Magistrate Judge

  
\_\_\_\_\_  
Michael R. Ascher  
Einhorn, Harris, Ascher, Barbarito, Frost & Ironson  
165 E. Main Street  
Denville, New Jersey 07834-3010  
Phone: (973) 627-7300  
Fax: (973) 627-0869  
*Counsel for the Plaintiffs*

  
\_\_\_\_\_  
Jack T. Spinella  
Nicoll Davis & Spinella LLP  
95 Route 17 South  
Paramus, NJ 07652  
*Counsel for the Defendant*

ACCARDI & MIRDA, ESQUIRES  
570 W. Mt. Pleasant Avenue  
Livingston, New Jersey 07039  
Tele: (973) 577-2100  
Attorneys for Defendant, ROBERT WALKLEY

RECEIVED-CLERK  
U.S. DISTRICT COURT  
2008 FEB 11 P 3:35

A.B. and L.B. individually

Plaintiff,

VS.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS OF EMPLOYEES OF THE  
CLARKSTOWN SOCCER CLUB, NICHOLAS  
ARCURI, MARGARET TURRIN, DIRECT KICK  
SOCCER, ROBERT WALKLEY, et al.

Defendants.

FOR THE DISTRICT COURT OF NEW JERSEY

CIVIL ACTION

DOCKET NO: 2:7-CV-6077

CIVIL ACTION - ANSWER, SEPARATE DEFENSES; DEMAND FOR PRODUCTION OF  
DOCUMENT, DEMAND FOR ANSWERS TO INTERROGATORIES, NOTICE OF  
DESIGNATION OF TRIAL COUNSEL, DEMAND FOR STATEMENT OF DAMAGES  
AND JURY DEMAND

Defendant, ROBERT WALKLEY, by way of Answer to the Complaint of the plaintiffs, says:

**AS TO STATEMENT OF THE PARTIES**

1. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph One.
2. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Two.
3. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Three.

4. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Four.

5. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Five.

6. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Six.

7. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Seven.

8. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eight.

9. Defendant, Robert Walkley, denies Direct Kick Soccer sponsored a trip to Europe, attended by plaintiff, A.B. and defendant, Mark and Paula Staropoli and Margaret, Turrin.

10. Defendant, Robert Walkley, admits that he resides at 72 Roosevelt Avenue, Pearl River, New York and denies that he is principal and director of Direct Kick Soccer and responsible for the planning and supervision of Clarkstown Soccer Club Team relating to its traveling to Europe in 2004.

11. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eleven.

12. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Twelve.

13. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Thirteen.

### **STATEMENT OF JURISDICTION**

14. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Fourteen.

15. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Fifteen.

### **STATEMENT OF VENUE**

16. Defendants, Direct Kick Soccer and Robert Walkley, deny Paragraph Sixteen.

### **STATEMENT OF FACTS**

17. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Seventeen.

18. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eighteen.

### **SEXUAL ACTS OCCURRING IN THE STATE OF NEW YORK**

19. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Nineteen.

20. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Twenty.

21. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Twenty One.

22. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Twenty Two.

23. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Twenty Three.

24. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Twenty Four.

25. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Twenty Five.

26. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Twenty Six.

27. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Twenty Seven.

28. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Twenty Eight.

29. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Twenty Nine.

30. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Thirty.

31. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Thirty One.

32. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Thirty Two.

33. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Thirty Three.

34. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Thirty Four.

35. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Thirty Five.

36. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Thirty Six.

37. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Thirty Seven.

38. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Thirty Eight.

39. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Thirty Nine.

40. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty.

41. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty One.

42. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty Two.

**SEXUAL ACTS OCCURRING IN THE STATE OF NEW JERSEY**

43. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty Three.

44. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty Four.

45. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty Five.

46. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty Six.

47. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty Seven.

48. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty Eight.

49. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty Nine.

50. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Fifty.

51. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Fifty One.

52. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Fifty Two.

53. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Fifty Three.

54. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Fifty Four.

55. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Fifty Five.

**SEXUAL ACTS OCCURRING IN OTHER STATES**

56. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Fifty Six.

57. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Fifty Seven.

**SEXUAL ACTS OCCURRING OUTSIDE OF THE UNITED STATES**

58. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Fifty Eight.

**LEGAL ALLEGATIONS**

**FIRST CAUSE OF ACTION**

59. Answering defendant, adopts and incorporates by reference its answers contained in Paragraphs One through Fifty Eight as fully as though same were set forth at length herein.

60. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Sixty.

61. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Sixty One.

62. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Sixty Two.

63. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Sixty Three.

64. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty Four.

65. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Forty Five.



## **SECOND CAUSE OF ACTION**

66. Answering defendant adopts and incorporates by reference its answers contained in the First Cause of Action as fully as if same were set forth at length herein.

67. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Sixty Seven.

68. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Sixty Eight.

69. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Sixty Nine.

70. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Seventy.

71. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Seventy One.

72. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Seventy Two.

## **THIRD CAUSE OF ACTION**

73. Answering defendant adopts and incorporates by reference its answer contained in the First and Second Cause of Action as if set forth at length herein.

74. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Seventy Four.

75. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Seventy Five.

76. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Seventy Six.

77. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Seventy Seven.

78. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Seventy Eight.

79. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Seventy Nine.

#### **FOURTH CAUSE OF ACTION**

80. Answering defendant adopts and incorporates by reference its answers contained in the First, Second and Third Cause of Action as if set forth at length herein.

81. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eighty One.

82. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eighty Two.

83. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eighty Three.

84. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eighty Four.

85. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eighty Five.

86. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eighty Six.

### **FIFTH CAUSE OF ACTION**

87. Answering defendant adopts and incorporates by reference its answers contained in the First, Second, Third and Fourth Cause of Action as if set forth at length herein.

88. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eighty Eight.

89. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eighty Nine.

90. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Eighty Nine.

91. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Ninety One.

### **SIXTH CAUSE OF ACTION**

92. Answering defendant adopts and incorporates by reference its answers contained in the First, Second, Third, Fourth and Fifth Cause of Action as if set forth at length herein.

93. After reasonable investigation, answering defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph Ninety Three.

94. Defendant, Robert Walkley, denies Paragraph Ninety Four.

95. Defendant, Robert Walkley, denies that plaintiff is entitled to any damages, either compensatory or punitive against him.

### **SEVENTH CAUSE OF ACTION**

96. Answering defendant adopts and incorporates by reference its answers contained in the First, Second, Third, Fourth, Fifth and Sixth Cause of Action as if set forth at length herein.

97. Defendant, Robert Walkley, denies he sponsored a tournament trip to Europe involving defendant, Club, and plaintiff, A.B. and defendants, Mark and Paula Staropoli and Margaret Turrin.

98. Defendant, Robert Walkley, denies that Mark Staropoli is an employee, agent and/or servant of Direct Kick Soccer.

99. Defendant, Robert Walkley, denies that Robert Walkley stood in loco parentis to plaintiff, A.B. and the remaining allegations in Paragraph Ninety Nine.

100. Defendant, Robert Walkley, denies all the allegations contained in Paragraph One Hundred.

101. Defendant, Robert Walkley, denies all the allegations contained in Paragraph One Hundred One.

102. Defendant, Robert Walkley, denies all the allegations contained in Paragraph One Hundred Two.

#### **EIGHTH CAUSE OF ACTION**

103. Answering defendant adopts and incorporates by reference its answers contained in the First, Second, Third, Fourth, Fifth, Sixth and Seventh Cause of Action as if set forth at length herein.

104. Defendant, Robert Walkley, denies Paragraph One Hundred Four as it pertains to him.

105. The allegations contained in Paragraph One Hundred Five are directed to a party other than the answering defendant and therefore no response is required.

106. The allegations contained in Paragraph One Hundred Five are directed to a party other than the answering defendant and therefore no response is required.

#### **SEPARATE DEFENSES**

1. This defendant was free from any and all negligence.
2. Plaintiffs were guilty of comparative negligence.
3. The damages of the plaintiffs, if any, are limited by the applicable laws of the State of New Jersey as respects comparative negligence.

4. The alleged accident, damages, injuries complained of were caused by the sole negligence of the plaintiffs.

5. Damages allegedly claimed by plaintiff were due to the negligence of persons over whom this defendant had no control.

6. At the time and places mentioned in the Complaint, this defendant violated no legal duty owing by this defendant to the plaintiffs.

7. Plaintiff fails to state a cause of action upon which relief can be granted.

8. Some or all of the plaintiff's claims against this defendant are or may be barred whole or in part by the applicable Statute of Limitations.

9. Plaintiff was a participant in a voluntary sporting activity, and therefore, the doctrine of assumption of risk bars plaintiff's lawsuit.

10. Plaintiff's cause of action is barred by 2A:62a-6.

11. Any recovery to which plaintiff might otherwise be entitled is subject to a reduction by the application of a standard of comparative negligence mandated by N.J.S.A. 59:9-4 and 59:9-2.

12. This defendant states that the Complaint fails to state a cause of action upon which relief can be granted against this defendant, therefore, reserves the right to move to dismiss the Complaint.

13. The incident, injury and damages complained of were caused by third parties over whom this defendant had no control.

14. Plaintiff's complaint is barred by the Entire Controversy Doctrine.

15. This Court lacks jurisdiction over the defendant.

16. The alleged incident complained of resulted from circumstances and conditions beyond the control of the defendant.

17. Defendant reserves the right to interpose such other defenses and objections as continuing investigation may disclose.

### **CLAIM FOR CONTRIBUTION**

Defendant, ROBERT WALKLEY, by way of claim for contribution against defendants, MARK STAROPOLI, PAULA STAROPOLI, CLARKSTOWN SOCCER CLUB, BOARD MEMBERS OF EMPLOYEES OF THE CLARKSTOWN SOCCER CLUB, NICHOLAS ARCURI, MARGARET TURRIN, DIRECT KICK SOCCER, JOHN DOES 1-5, JANE DOES 1-5, RICHARD ROES 1-5 say:

He hereby demands contribution for any judgment or judgments rendered against him by virtue of the Joint Tortfeasors Contribution Law of the State of New Jersey and/or the Comparative Negligence Law of the State of New Jersey.

### **CLAIM FOR INDEMNIFICATION**

While denying any liability to the plaintiffs for the incident and/or injuries alleged, should this defendant be adjudged liable, it asserts that this liability is secondary, vicarious and imputed to that of the co-defendants and the negligence, if any, was that of the co-defendants named herein, this gives rise to the duty on the part of the co-defendants to indemnify, both contractual and common law and hold harmless this defendant for any loss therein.

WHEREFORE, defendant demands judgment against co-defendants for any sums adjudicated against him, for damages, attorney's fees, interests and costs of suit together with such other relief as the court may deem just and proper under the circumstances.

### **JURY DEMAND**

Defendant hereby demands a trial by jury on all issues.

### **DEMAND FOR STATEMENT OF DAMAGES**

Pursuant to Rule 4:5-2, defendant hereby demands of the plaintiff a specific statement of the amount of money damages claimed on each count of the Complaint.

**NOTICE OF DESIGNATION OF TRIAL COUNSEL**

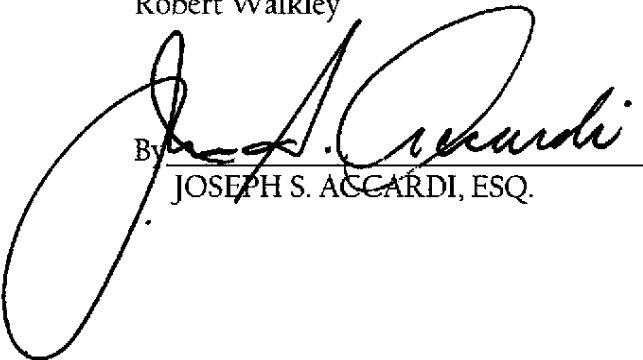
PLEASE TAKE NOTICE that, pursuant to Rule 4:25-4, notice is hereby given that JOSEPH S. ACCARDI, is designated as trial counsel in the above matter.

**CERTIFICATION PURSUANT TO L.CIV.R.11.2**

I certify that, to the best of my knowledge, this matter is not the subject of any other civil action pending in any Court or any pending arbitration or administrative proceeding other than criminal matters in the State of New York and New Jersey, respectively, entitled the People of the State of New York v. Mark Staropoli, Indictment No: 2005-36 and in the State of New Jersey vs. Mark Staropoli, Indictment No: 05-000093.

ACCARDI & MIRDA, ESQS.  
Attorneys for Defendant(s),  
Robert Walkley

By

  
JOSEPH S. ACCARDI, ESQ.

DATED: February 8, 2008

ALAN S. GOLDBERGER  
GOLDBERGER & GOLDBERGER  
1373 Broad Street  
P.O. Box 447  
Clifton, New Jersey 07015  
(973) 471-9200  
Attorneys for Defendant Robert Walkley and Direct Kick Soccer  
5100-0774

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

A.B. and L.B., individually,

Plaintiffs,

vs.

MARK STAROPOLI, PAULA  
STAROPOLI, CLARKSTOWN  
SOCCER CLUB, CLARKSTOWN  
SOCCER CLUB, BOARD MEMBERS  
OF EMPLOYEES OF THE  
CLARKSTOWN SOCCER CLUB,  
NICHOLAS ARCURI, MARGARET  
TURRIN, DIRECT KICK SOCCER,  
ROBERT WALKLEY, JOHN DOES 1  
through 5 (fictitious names for the  
persons, partnerships and/or corporations  
intended), JANE DOES 1 through 5  
(fictitious names for the persons,  
partnerships and/or corporations  
intended), and RICHARD ROES 1  
through 5 (fictitious names for the  
persons, partnerships and/or corporations  
intended),

Defendants.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

Civil Action No. 2:07-cv-6077-KHS-PS

Hon. Patty Shwartz, U.S.M.J.

**STIPULATION AND ORDER**

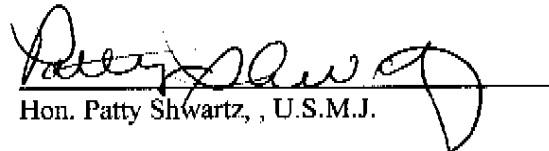
FEB 15 2008

IT IS HEREBY STIPULATED by plaintiffs A.B. and L.B., individually; and defendants  
Robert Walkley and Direct Kick Soccer that said defendants shall have until and including February



27, 2008 to answer or otherwise plead with respect to the Complaint.

SO ORDERED this 15<sup>th</sup> day of February, 2008;

  
Hon. Patty Shwartz, U.S.M.J.

Stipulated as to entry and form:

Einhorn, Harris, Ascher, Barbarito, Frost &  
Ironson, A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiffs

By: 

MICHAEL R. ASCHER

Goldberger & Goldberger  
1373 Broad Street  
P.O. Box 447  
Clifton, New Jersey 07015-0447  
(973) 471-9200  
Attorneys for Defendant Robert Walkley  
and Direct Kick Soccer

By: 

ALAN S. GOLDBERGER

\* If a party intends  
to file a motion in lieu  
of an Answer, then the party  
shall submit a letter  
setting forth the basis  
for the motion and seeking  
a telephone conference

**NICOLL DAVIS & SPINELLA LLP**  
ATTORNEYS AT LAW

95 ROUTE 17 SOUTH  
SUITE 203  
PARAMUS, N.J. 07652  
TEL: (201) 712-1616  
FAX: (201) 712-9444

250 PARK AVENUE  
SUITE 1500  
NEW YORK, N.Y. 10177  
TEL: (212) 972-0786  
FAX: (212) 953-7201

February 25, 2008

**ELECTRONICALLY FILE**

William T. Walsh, Clerk  
United States District Court for the  
District of New Jersey  
M.L. King, Jr. Federal Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

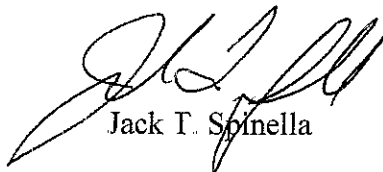
**Re: A.B. and L.B., individually v. Mark Staropoli, Paula Staropoli, et als.**  
**Civil Action No. 2:07-cv-6077**

Dear Mr. Walsh:

Enclosed is a Consent Order executed by counsel in the referenced action. If said Order meets with the Judge's approval, please have the Consent Order executed.

Thank you for your consideration regarding this matter.

Very truly yours,



Jack T. Spinella

JTS:jfd

Enclosures

cc: Michael R. Ascher, Esq.

NICOLL DAVIS & SPINELLA LLP  
95 Route 17 South  
Paramus, New Jersey 07652  
(201) 712-1616  
Attorneys for Defendant, Paula Staropoli

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

A.B. and L.B., individually,

Plaintiff,

Civil Action Number: 2:07-cv-6077

v.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS OF EMPLOYERS OF THE  
CLARKSTOWN SOCCER CLUB,  
NICHOLAS ARCURI, MARGARET TURRIN,  
DIRECT KICK SOCCER, ROBERT  
WALKLEY, JOHN DOES 1 through 5  
(fictitious names for the persons, partnerships  
and/or corporations intended), JANE DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names  
for the persons, partnerships and/or corporations  
intended),

Defendants.

**CONSENT ORDER**

PAULA STAROPOLI (the "Defendant") and A.B. and L.B., individually (the "Plaintiff"), by their respective counsel, having jointly agreed to the following, it is therefore, ADJUDGED, ORDERED and DECREED that:

1. The Defendant shall have until Monday, March 17, 2008, to move, plead or respond to the Plaintiffs' Complaint;

Feb 22, 2008 12:15 PM

Nicoll Davis &amp; Spinella LLP

No. /yy/ P. 1

Case 2:08-cv-00158-SJS Document 20-2 Filed 02/22/08 Page 2 of 2


2. The following parties are to receive copies of this consent order after its entry:

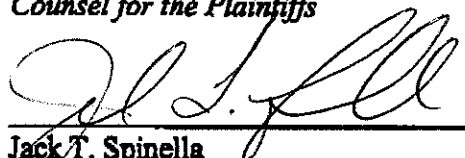
Paula Staropoli  
Jack T. Spinella, Esq.  
Nicoll Davis & Spinella LLP  
95 Route 17 South  
Paramus, New Jersey 07652  
*Counsel for the Defendant*

A.B. and L.B., individually  
Michael R. Ascher  
Einhorn, Harris, Ascher, Barbarito, Frost & Ironson  
165 E. Main Street  
Denville, New Jersey 07834-3010  
Phone: (973) 627-7300  
Fax: (973) 627-0869  
*Counsel for the Plaintiffs*

ENTERED this \_\_\_\_ day of February 2008 at Newark, New Jersey.

\_\_\_\_\_  
Judge, United States District Court

  
\_\_\_\_\_  
Michael R. Ascher  
Einhorn, Harris, Ascher, Barbarito, Frost & Ironson  
165 E. Main Street  
Denville, New Jersey 07834-3010  
Phone: (973) 627-7300  
Fax: (973) 627-0869  
*Counsel for the Plaintiffs*

  
\_\_\_\_\_  
Jack T. Spinella  
Nicoll Davis & Spinella LLP  
95 Route 17 South  
Paramus, NJ 07652  
*Counsel for the Defendant*

NICOLL DAVIS & SPINELLA LLP  
95 Route 17 South  
Paramus, New Jersey 07652  
(201) 712-1616  
Attorneys for Defendant, Paula Staropoli

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually,

Plaintiff,

Civil Action Number: 2:07-cv-6077

v.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS OF EMPLOYERS OF THE  
CLARKSTOWN SOCCER CLUB,  
NICHOLAS ARCURI, MARGARET TURRIN,  
DIRECT KICK SOCCER, ROBERT  
WALKLEY, JOHN DOES 1 through 5  
(fictitious names for the persons, partnerships  
and/or corporations intended), JANE DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names  
for the persons, partnerships and/or corporations  
intended),

Defendants.

CONSENT ORDER

PAULA STAROPOLI (the "Defendant") and A.B. and L.B., individually (the  
"Plaintiff"), by their respective counsel, having jointly agreed to the following, it is therefore,  
ADJUDGED, ORDERED and DECREED that:

1. The Defendant shall have until Monday, March 17, 2008, to move, plead or  
respond to the Plaintiffs' Complaint;

*If a party intends to file a motion in lieu of an Answer,  
then the party shall submit a letter setting forth the  
basis for the motion & requesting a telephone  
conference*

*(M)*


2. The following parties are to receive copies of this consent order after its entry:

Paula Staropoli  
Jack T. Spinella, Esq.  
Nicoll Davis & Spinella LLP  
95 Route 17 South  
Paramus, New Jersey 07652  
*Counsel for the Defendant*

A.B. and L.B., individually  
Michael R. Ascher  
Einhorn, Harris, Ascher, Barbarito, Frost & Ironson  
165 E. Main Street  
Denville, New Jersey 07834-3010  
Phone: (973) 627-7300  
Fax: (973) 627-0869  
*Counsel for the Plaintiffs*

ENTERED this 25<sup>th</sup> day of February 2008 at Newark, New Jersey.

  
\_\_\_\_\_  
Judge, United States District Court

  
\_\_\_\_\_  
Michael R. Ascher  
Einhorn, Harris, Ascher, Barbarito, Frost & Ironson  
165 E. Main Street  
Denville, New Jersey 07834-3010  
Phone: (973) 627-7300  
Fax: (973) 627-0869  
*Counsel for the Plaintiffs*

  
\_\_\_\_\_  
Jack T. Spinella  
Nicoll Davis & Spinella LLP  
95 Route 17 South  
Paramus, NJ 07652  
*Counsel for the Defendant*

**WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**

33 Washington Street, Newark, New Jersey 07102-3017 Tel: (973) 624-0800 Fax: (973) 624-0808

*Albany • Baltimore • Boston • Chicago • Dallas • Garden City • Houston • Las Vegas • London • Los Angeles • McLean  
Miami • Newark • New York • Orlando • Philadelphia • San Diego • San Francisco • Stamford • Washington, DC • White Plains*

*Limited Liability Partnership of NY*

*Affiliates: Berlin • Cologne • Frankfurt • Mexico City • Munich • Paris*

JAMES CRAWFORD ORR  
WILLIAM J. RINA  
THOMAS F. QUINN  
BRIAN W. MALENDIN  
BARBARA HOPKINSON KELLY  
CAROLYN F. O'CONNOR  
JANE ANDREWS  
KENNETH M. BROWN  
WILLIAM P. KRAUSS  
MICHAEL J. NAUGHTON  
MARTIN J. SULLIVAN  
JOSEPH A. GALLO  
ROBERT A. BERNIS  
KURT W. KRAUSS  
KELLY A. WATERS  
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BRIAN J. WHITEMAN  
SUSAN KARLOVICH  
MATTHEW S. MAHONEY  
KEVIN C. DONOVAN  
JAMES S. REHBERGER  
JOSEPH T. HANLON  
ROBERT LESKO  
RENEE J. SHERMAN  
ROBERT T. GUNNING  
GREGG S. KAHN  
OF COUNSEL  
TINA A. JORDAN  
ROBERT C. NEFT, JR.  
JOHN P. O'TOOLE

[www.wilsonelser.com](http://www.wilsonelser.com)

ELIZABETH R. CHARTERS  
SUNALEE  
JOAN H. LANGER  
JOANNA PIORK  
SETH PTASIEWICZ  
KURT H. DZUGAY  
GINA CALABRIA  
MICHAEL T. HENSLEY  
KEITH A. LOUGHLIN  
JOHN W. WILLIAMS  
CHRISTOPHER W. McLANAHAN  
SHAUN S. McGREGOR  
TIMOTHY COUGHLIN  
KIM M. CONNOR

ADAM S. KINICH  
ROBERT W. DARISH  
JOHN J. SHOTTER  
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JOSEPH P. RINDONE  
ADAM J. KIPNS  
RUSSELL J. HEMS  
ERIC T. EVANS  
GREGORY T. FOOTB  
JULIE VON BEVERN  
MICHAEL L. TRUCILLO  
MATHEW BRODERICK  
LAUREN M. EPOLITO  
BRUCE W. MCCOY JR.

KEITH G. VON GLAHN (1952-2007)

February 27, 2008

**ELECTRONICALLY FILED**

William T. Walsh, Clerk  
United States District Court  
For the District of New Jersey  
M.L. King, Jr. Federal Bldg & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: A.B. and L.B. v. Mark Staropoli, et al.**  
**Civil Action No.: 2:07-cv-6077**  
**Our File No.: 01166.00211**

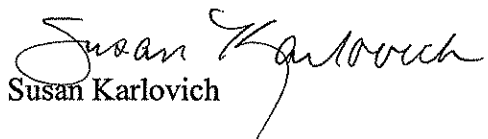
Dear Mr. Walsh:

This firm has been retained to represent defendants Clarkstown Soccer Club, Board Members and Employees of the Clarkstown Soccer Club, Nicholas Arcuri and Margaret Turrin in the above referenced action. Enclosed is a Consent Order executed by counsel. If said Order meets with the Judge's approval, please have the consent Order executed and forwarded to the undersigned.

Thank you for your courtesies in this regard.

Very truly yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

  
Susan Karlovich

SK/sh

Enclosures

cc: Michael R. Ascher, Esq.  
700977.1

**WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**

Susan Karlovich, Esq. (SK 9485)

33 Washington Street

Newark, New Jersey 07102-5003

Tel: (973) 624-0800 Fax: (973) 624-0808

Attorneys for Defendants Clarkstown Soccer Club, Board Members and Employees of the Clarkstown Soccer Club, Nicholas Arcuri and Margaret Turrin

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

_____	X	
	:	
A.B. and L.B., individually,	:	
	:	CASE NO.: 2:07-cv-6077
Plaintiffs,	:	
	:	CIVIL ACTION
v.	:	
	:	<b>CONSENT ORDER</b>
MARK STAROPOLI, PAULA STAROPOLI,	:	<b>EXTENDING TIME TO ANSWERS</b>
CLARKSTOWN SOCCER CLUB, BOARD :	:	<b>OR OTHERWISE PLEAD</b>
MEMBERS AND EMPLOYEES OF THE :	:	
CLARKSTOWN SOCCER CLUB, NICHOLAS :	:	
ARCURI, MARGARET TURRIN, DIRECT :	:	
KICK SOCCER, ROBERT WALKLEY, JOHN :	:	
DOES 1 through 5 (fictitious names for the :	:	
persons, partnerships and/or corporations :	:	
intended), JANE DOES 1 through 5 (fictitious :	:	
names for the persons, partnerships and/or :	:	
corporations intended), and RICHARD ROES 1 :	:	
through 5 (fictitious names for the persons, :	:	
partnerships and/or corporations intended), :	:	
Defendants.	:	
_____	X	

**THIS MATTER** having been opened to the Court by WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP (by Susan Karlovich), attorneys for defendants, Clarkstown Soccer Club, Board Members and Employees of the Clarkstown Soccer Club, Nicholas Arcuri and Margaret Turrin, for an Order extending time within which to file an Answer or otherwise plead with respect to the Complaint, and it appearing that the attorneys for the plaintiffs has consented to the entry of this Order,



IT IS ON THIS       day of       , 2008,

**ORDERED** that the defendants, Clarkstown Soccer Club, Board Members and Employees of the Clarkstown Soccer Club, Nicholas Arcuri and Margaret Turrin, be permitted to file a responsive Answer to the Complaint or otherwise plead with respect to the Complaint within 15 days of the date hereof.

**FURTHER ORDERED** that a copy of this Order be served upon counsel of record within \_\_\_\_\_ days of the date hereof.

---

Hon. Patty Shwartz, U.S. M.J.

We hereby consent to the entry of the above Order.

Attorneys for Plaintiffs  
Einhorn, Harris, Ascher, Barbarito, Frost & Ironson, P.C.  
165 E. Main Street, P.O. Box 3010  
Denville, NJ 07834-3010

By   
Michael R. Ascher, Esq.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
Attorneys for Defendants Clarkstown Soccer Club, Board Members  
and Employees of the Clarkstown Soccer Club, Nicholas Arcuri &  
Margaret Turrin  
33 Washington Street, 18<sup>th</sup> fl.  
Newark, New Jersey 07102

By   
Susan Karlovich, Esq.

DATED: February       , 2008

LAW OFFICES  
**EINHORN, HARRIS, ASCHER, BARBARITO & FROST**  
A PROFESSIONAL CORPORATION

Theodore E. B. Einhorn  
Peter T. Harris  
Michael R. Ascher  
Patricia M. Barbarito ◆◆  
Bonnie C. Frost ◆◆  
Gary R. Botwinick ▼  
Stephen P. Haller  
Thomas J. Snyder  
Mark Wechsler \*◆  
Andrew S. Berns

165 East Main Street  
(Route 53)  
P. O. Box 3010  
Denville, New Jersey 07834-3010  
  
(973) 627-7300

COUNSEL

Ivette R. Alvarez ‡  
Jennifer Fortunato ‡◆  
Richard C. Colloca  
Linda A. Mainenti-Walsh  
Jason R. Rittie ‡  
Thomas F. Dorn, Jr. ●▲  
Christopher L. Musmanno ‡\*

OF COUNSEL

Burton J. Ironson

Facsimiles (973) 627-0869  
(973) 627-2858  
(973) 627-5847

www.einhornharris.com

- ◆ FELLOW AMERICAN ACADEMY  
OF MATRIMONIAL LAWYERS
- ◆ CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
MATRIMONIAL LAW  
ATTORNEY
- CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
CIVIL TRIAL ATTORNEY
- ▲ CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
WORKERS' COMPENSATION  
ATTORNEY

Ellen M. Seigerman ‡  
Elizabeth M. Vinhal ‡◆  
Jennie L. Osborne ‡  
Laura Ruvolo Lipp  
Jhanice V. Domingo  
Cimmerian A. Morgan \*  
Timothy J. Ford ‡  
Jamie N. Lenner ‡

Robert J. Cece (1966-2003)

- \* Also Member of PA Bar
- ‡ Also Member of NY Bar
- ◆ Also Member of DC Bar
- ▼ LLM in Taxation

February 27, 2008

Honorable Patty Shwartz  
U.S. Magistrate Judge  
United States District Court,  
District of New Jersey Newark  
Frank R. Lautenberg U.S.  
P.O. & Cthse. Bldg, Room 477  
P.O. Box 999  
Newark, NJ 07101

**RE: A.B. et al v. Mark Staropoli, et al**  
**Civil Action NO. 07-6077(KSH)**

My Dear Judge Shwartz:

Per your Honor's letter of February 8, 2008, requesting the names and addresses of all attorneys involved in this matter are as follows:

1. Michael R. Ascher, Esq.  
Einhorn, Harris, Ascher,  
Barbarito, & Frost, P.C.  
165 East Main Street  
P.O. Box 3010  
Denville, NJ 07834  
**Attorney for the Plaintiffs**

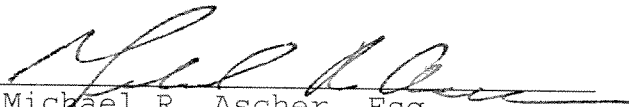
February 27, 2008  
Page 2

2. Jack T. Spinella, Esq.  
Nicoll, Davis, & Spinella, LLP  
95 Route 17 South  
Suite 203  
Paramus, NJ 07652  
**Attorney for Paula Staropoli**
3. Alan S. Goldberg, Esq.  
Goldberg & Goldberg, Esqs.  
1373 Broad Street  
P.O. Box 447  
Clifton, NJ 07015  
**Attorney for Direct Kick Soccer**
4. Joseph S. Accardi, Esq.  
Accardi & Mirda, PC  
570 West Mt Pleasant Ave  
P.O. Box 404  
Livingston, NJ 07039  
**Attorney for Robert Walkley**
5. Susan Karlovich, Esq.  
Wilson, Elser, Moskowitz,  
Edelman, Dicker, LLP  
33 Washington Street, 18<sup>th</sup> Floor  
Newark, NJ 07102  
**Attorney for Defendants  
Clarkstown Soccer Club  
Board Members & Employees  
Of the Clarkstown Soccer Club  
& Nicholas Arcuri & Margaret Turin**

I will update this list periodically when such information is available to my office.

Very truly yours,

EINHORN, HARRIS, ASCHER,  
BARBARITO & FROST, P.C.

By:   
Michael R. Ascher, Esq.

MRA:mb  
cc:A.B. & L.B.  
Alan S. Goldberg, Esq.  
Joseph S. Accardi, Esq.  
Jack T. Spinella, Esq.  
Susan Karlovich, Esq.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Honorable Patty Shwartz  
United States Magistrate Judge

U.S. Post Office & Courthouse Bldg.  
Federal Square, Newark, NJ 07101  
(973) 645-6596

February 8, 2008

LETTER

RE: **A.B., et al. v. MARK STAROPOLI**  
**Civil Action No. 07-6077(KSH)**

Dear Litigants:

I have been assigned case management responsibilities in the above-referenced matter. This letter is intended to advise you of some requirements established for the early stages of the litigation.

First, please provide my Chambers with the names and addresses of all attorneys involved in this case, when such information is available to you, and immediately supply a copy of this letter to your adversaries.

Second, Rule 4(m) of the Federal Rules of Civil Procedure requires that you serve a copy of the Summons and Complaint upon your adversaries within 120 days of the date of filing the Complaint. Otherwise, the action will be terminated.

Third, L. Civ. R. 26.1(b) requires counsel to confer and to submit a joint discovery plan before the initial conference, which will be scheduled as soon as one or more parties are joined. Scheduling of all motions will be addressed at the Rule 16 conference. Prior to that time, no motions, including motions to dismiss or motions to transfer, shall be filed without leave of Court.

Fourth, I draw counsel's attention to the voluntary disclosures mandated by Fed. R. Civ. P. 26(a). No other discovery shall be conducted until further Order of the Court.

Fifth, the Court has implemented an electronic case filing system for all documents filed with the Clerk of the Court. Electronic case filing is mandatory for all cases except those involving a pro se litigant. Registration forms, on-line training, policies and procedures can be obtained from the Clerk's Office or the website: [pacer.njd.uscourts.gov](http://pacer.njd.uscourts.gov). On-site training is also available and can be arranged by contacting (973) 645-4439. Orders will be electronically filed. Paper copies will be provided to pro se litigants. Registered counsel will be notified when an order is filed but are responsible for retrieving and reviewing the contents.

Finally, all counsel are expected and required to be in Court on time and ready to proceed for all scheduled proceedings.

If you have any questions regarding any of these matters, please contact my Deputy Clerk, Amy Andersonn at (973) 645-3715.

Very truly yours,

s/Patty Shwartz  
**United States Magistrate Judge**

ALAN S. GOLDBERGER  
GOLDBERGER & GOLDBERGER  
1373 Broad Street  
P.O. Box 447  
Clifton, New Jersey 07015  
973-471-9200

Attorneys for Defendants

ROBERT WALKLEY, individually and t/a "Direct Kick Soccer," incorrectly denominated in the  
Complaint as "Direct Kick Soccer"  
5100-0774

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

A.B. and L.B., individually,

Plaintiffs,

vs.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS OF EMPLOYEES OF THE  
CLARKSTOWN SOCCER CLUB, NICHOLAS  
ARCURI, MARGARET TURRIN, DIRECT KICK  
SOCCER, ROBERT WALKLEY, JOHN DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), JANE  
DOES 1 through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names for  
the persons, partnerships and/or corporations  
intended),

Defendants.

CASE NO. 2:07-cv-6077-KSH-PS

CIVIL ACTION

ORDER EXTENDING TIME TO  
FILE AMENDED ANSWER

THIS MATTER being brought before the Court upon the application of Alan S. Gold-

berger, Esquire, attorney for Defendants, Robert Walkley, individually and t/a "Direct Kick Soccer," incorrectly denominated in the Complaint as "Direct Kick Soccer," for an Order extending the time within which the Defendants may file an Amended Answer and counsel for Plaintiff having consented thereto; and the Court having considered the matter; and for good cause appearing,

IT IS on this 28<sup>th</sup> day of February, 2008,

ORDERED the time within which the Defendants, Robert Walkley, individually and t/a "Direct Kick Soccer," incorrectly denominated in the Complaint as "Direct Kick Soccer," may file and serve an Amended Answer or otherwise move pursuant to the rules be and is hereby extended for a period of 14 days from the date of this Order; and it is further

ORDERED that a copy of this Order be served upon all counsel of record within 7 days of the date hereof.

Patty Shwartz  
HON. PATTY SHWARTZ U.S.M.J.

\* IF a party intends to file a motion in lieu of an Answer, then the party shall submit a letter setting forth the bases of the motion and requesting a telephone conference. @

**WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**

Susan Karlovich, Esq. (SK 9485)

33 Washington Street

Newark, New Jersey 07102-5003

Tel: (973) 624-0800 Fax: (973) 624-0808

Attorneys for Defendants Clarkstown Soccer Club, Board Members and Employees of the  
Clarkstown Soccer Club, Nicholas Arcuri and Margaret Turrin

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

A.B. and L.B., individually,

Plaintiffs,

v.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS AND EMPLOYEES OF THE  
CLARKSTOWN SOCCER CLUB, NICHOLAS  
ARCURI, MARGARET TURRIN, DIRECT  
KICK SOCCER, ROBERT WALKLEY, JOHN  
DOES 1 through 5 (fictitious names for the  
persons, partnerships and/or corporations  
intended), JANE DOES 1 through 5 (fictitious  
names for the persons, partnerships and/or  
corporations intended), and RICHARD ROES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended),

Defendants.

X

CASE NO.: 2:07-cv-6077

CIVIL ACTION

**CONSENT ORDER  
EXTENDING TIME TO ANSWERS  
OR OTHERWISE PLEAD**

X

THIS MATTER having been opened to the Court by WILSON, ELSE, MOSKOWITZ,  
EDELMAN & DICKER LLP (by Susan Karlovich), attorneys for defendants, Clarkstown Soccer  
Club, Board Members and Employees of the Clarkstown Soccer Club, Nicholas Arcuri and Margaret  
Turrin, for an Order extending time within which to file an Answer or otherwise plead with respect to  
the Complaint, and it appearing that the attorneys for the plaintiffs has consented to the entry of this  
Order,

IT IS ON THIS 21<sup>st</sup> day of February, 2008,

**ORDERED** that the defendants, Clarkstown Soccer Club, Board Members and Employees of the Clarkstown Soccer Club, Nicholas Arcuri and Margaret Turrin, be permitted to file a responsive Answer to the Complaint or otherwise plead with respect to the Complaint within 15 days of the date hereof.

**FURTHER ORDERED** that a copy of this Order be served upon counsel of record within \_\_\_\_\_ days of the date hereof.

  
Hon. Patty Shwartz, U.S. M.J.

We hereby consent to the entry of the above Order.

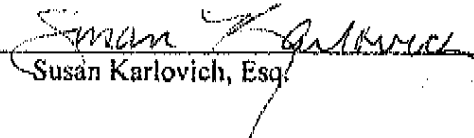
Attorneys for Plaintiffs  
Einhorn, Harris, Ascher, Barbarito, Frost & Ironson, P.C.  
165 E. Main Street, P.O. Box 3010  
Denville, NJ 07834-3010

By

  
Michael R. Ascher, Esq.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
Attorneys for Defendants Clarkstown Soccer Club, Board Members  
and Employees of the Clarkstown Soccer Club, Nicholas Arcuri &  
Margaret Turrin  
33 Washington Street, 18<sup>th</sup> fl.  
Newark, New Jersey 07102

By

  
Susan Karlovich, Esq.

DATED: February , 2008



**WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**  
**James Crawford Orr, Esq. (1870)**  
**Susan Karlovich, Esq. (9485)**  
**33 Washington Street - 18<sup>th</sup> Floor**  
**Newark, New Jersey 07102**  
**Tel: (973) 624-0800 Fax: (973) 624-0808**  
**Attorneys for Defendants Clarkstown Soccer Club, Board**  
**Members and Employees of the Clarkstown Soccer Club,**  
**Nicholas Arcuri and Margaret Turrin**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

A.B. and L.B., individually,

Plaintiffs,

v.

MARK STAROPOLIS, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS & EMPLOYEES OF THE  
CLARKSTOWN SOCCER CLUB, NICHOLAS  
ARCURI, MARGARET TURRIN, DIRECT KICK  
SOCCER, ROBERT WALKLEY, JOHN DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), JANE  
DOES 1 through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names for  
the persons, partnerships and/or corporations  
intended),

Defendants.

CIVIL ACTION NO: 2:07-cv-6077

**ANSWER, AFFIRMATIVE  
DEFENSES, COUNTERCLAIMS,  
CROSSCLAIMS, REQUEST FOR  
STATEMENT OF DAMAGES, JURY  
DEMAND AND DESIGNATION OF  
TRIAL COUNSEL**

Defendants, Clarkstown Soccer Club, Board Members & Employees of Clarkstown Soccer Club, Nicholas Arcuri and Margaret Turrin, (hereinafter collectively referred to as "Clarkstown Defendants"), by and through their attorneys, in response to the allegations of Plaintiffs, A.B. and L.B. ("Plaintiffs") in the Complaint, herein say as follows:

**STATEMENT OF THE PARTIES**

1. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 1.

2. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 2.

3. Clarkstown Defendants admit that Mark Staropoli is a former coach with their Soccer Club, but is without sufficient information to form an opinion as to the truth of the remainder of allegations contained in Paragraph 3.

4. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 4.

5. Clarkstown Defendants deny the truth of the allegations contained in Paragraph 5.

6. Clarkstown Defendants deny the truth of the allegations contained in Paragraph 6.

7. Clarkstown Defendants deny the truth of the allegations contained in Paragraph 7.

8. Clarkstown Defendants deny the truth of the allegations contained in Paragraph 8.

9. Clarkstown Defendants admit that Margaret Turrin attended a European soccer trip sponsored by Direct Kick Soccer, but are without sufficient information to form an opinion as to the truth of the remainder of allegations contained in Paragraph 9.

10. Clarkstown Defendants deny that Robert Walkley or Direct Kick Soccer was responsible for planning and supervision of the Clarkstown Soccer Club Team, but are without sufficient information to form an opinion as to the truth of the remainder of allegations contained in Paragraph 10.

11. Clarkstown Defendants deny the allegations contained in Paragraph 11.
12. Clarkstown Defendants deny the allegations contained in Paragraph 12.
13. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 13.

**STATEMENT OF JURISIDCTION**

14. Clarkstown Defendants are without sufficient knowledge or information upon which to form an opinion or belief as to the truth of the allegations contained in Paragraph 14.
15. Clarkstown Defendants deny the allegation contained in Paragraph 15.

**STATEMENT OF VENUE**

16. Clarkstown Defendants deny the allegations contained in Paragraph 16.

**STATEMENT OF FACTS**

17. Clarkstown Defendants deny the allegations contained in Paragraph 17.
18. Clarkstown Defendants deny recruiting plaintiff A.B., but are without sufficient information to form an opinion as to the truth of the remainder of allegations contained in Paragraph 18.

**SEXUAL ACTS OCCURRING IN THE STATE OF NEW YORK**

19. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 19.
20. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 20.

21. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 21.

22. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 22.

23. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 23.

24. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 24.

25. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 25.

26. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 26.

27. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 27.

28. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 28.

29. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 29.

30. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 30.

31. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 31.

32. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 32.

33. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 33.

34. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 34.

35. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 35.

36. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 36.

37. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 37.

38. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 38.

39. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 39.

40. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 40.

41. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 41.

42. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 42.

**SEXUAL ACTS OCCURRING IN THE STATE OF NEW JERSEY**

43. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 43.

44. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 44.

45. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 45.

46. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 46.

47. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 47.

48. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 48.

49. After reasonable investigation, Clarkstown Defendants learned of the investigation of Mark Staropoli by the Morris County Prosecutor's Office, in Morristown, New Jersey.

50. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 50.

51. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 51.

52. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 52.

53. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 53.

54. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 54.

55. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 55.

#### **SEXUAL ACTS OCCURRING IN OTHER STATES**

56. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 56.

57. Clarkstown Defendants are without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 57.

#### **SEXUAL ACTS OCCURING OUTSIDE OF UNITED STATES**

58. Clarkstown Defendants deny that a team from the Clarkstown Soccer Club traveled to Europe in the summer of 2004, but are without sufficient information to form an opinion as to the truth of the remainder of allegations contained in Paragraph 58.

**LEGAL ALLEGATIONS**

**FIRST CAUSE OF ACTION**

59. Clarkstown Defendants repeat and reallege their answers to each and every allegation contained in Paragraphs 1 through 58 of the Complaint, as if fully set forth at length herein.

60. Clarkstown Defendants make no response to the allegations contained in Paragraph 60, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

61. Clarkstown Defendants make no response to the allegations contained in Paragraph 61, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

62. Clarkstown Defendants make no response to the allegations contained in Paragraph 62, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

63. Clarkstown Defendants make no response to the allegations contained in Paragraph 63, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

64. Clarkstown Defendants make no response to the allegations contained in Paragraph 64, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.



65. Clarkstown Defendants make no response to the allegations contained in Paragraph 65, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

### **SECOND CAUSE OF ACTION**

66. Clarkstown Defendants repeat and reallege their answers to each and every allegation contained in Paragraphs 1 through 65 of the Complaint, as if fully set forth at length herein.

67. Clarkstown Defendants make no response to the allegations contained in Paragraph 67, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

68. Clarkstown Defendants make no response to the allegations contained in Paragraph 68, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

69. Clarkstown Defendants make no response to the allegations contained in Paragraph 69, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

70. Clarkstown Defendants make no response to the allegations contained in Paragraph 70, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

71. Clarkstown Defendants make no response to the allegations contained in Paragraph 71, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

72. Clarkstown Defendants make no response to the allegations contained in Paragraph 72, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

### **THIRD CAUSE OF ACTION**

73. Clarkstown Defendants repeat and reallege their answers to each and every allegation contained in Paragraphs 1 through 72 of the Complaint, as if fully set forth at length herein.

74. Clarkstown Defendants make no response to the allegations contained in Paragraph 74, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

75. Clarkstown Defendants make no response to the allegations contained in Paragraph 75, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

76. Clarkstown Defendants make no response to the allegations contained in Paragraph 76, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

77. Clarkstown Defendants make no response to the allegations contained in Paragraph 77, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

78. Clarkstown Defendants make no response to the allegations contained in Paragraph 78, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

79. Clarkstown Defendants make no response to the allegations contained in Paragraph 79, as those allegations are not directed to them. . . . To the extent that said allegations may be construed to be directed to them, such allegations are denied.

#### **FOURTH CAUSE OF ACTION**

80. Clarkstown Defendants repeat and reallege their answers to each and every allegation contained in Paragraphs 1 through 79 of the Complaint, as if fully set forth at length herein.

81. Clarkstown Defendants deny the allegations contained in Paragraph 81.

82. Clarkstown Defendants deny the allegations contained in Paragraph 82.

83. Clarkstown Defendants admit the allegations contained in Paragraph 83.

84. Clarkstown Defendants deny the allegations contained in Paragraph 84.

85. Clarkstown Defendants deny the allegations contained in Paragraph 85.

86. Clarkstown Defendants deny the allegations contained in Paragraph 86.

#### **FIFTH CAUSE OF ACTION**

87. Clarkstown Defendants repeat and reallege their answers to each and every allegation contained in Paragraphs 1 through 86 of the Complaint, as if fully set forth at length herein.

88. Clarkstown Defendants deny the allegations contained in Paragraph 88.

89. Clarkstown Defendants deny the allegations contained in Paragraph 89.

90. Clarkstown Defendants deny the allegations contained in Paragraph 90.

91. Clarkstown Defendants deny the allegations contained in Paragraph 91

**SIXTH CAUSE OF ACTION.**

92. Clarkstown Defendants repeat and reallege their answers to each and every allegation contained in Paragraphs 1 through 91 of the Complaint, as if fully set forth at length herein.

93. Clarkstown Defendants deny the allegations contained in Paragraph 93.

94. Clarkstown Defendants deny the allegations contained in Paragraph 94.

95. Clarkstown Defendants deny the allegations contained in Paragraph 95

**SEVENTH CAUSE OF ACTION**

96. Clarkstown Defendants repeat and reallege their answers to each and every allegation contained in Paragraphs 1 through 95 of the Complaint, as if fully set forth at length herein.

97. Clarkstown Defendants admit that Margaret Turrin attended a European tournament trip, deny that Clarkstown Soccer Club was in any way involved with that trip and are without sufficient information to form an opinion as to the truth of the remainder of allegations contained in Paragraph 97.

98. Clarkstown Defendants make no response to the allegations contained in Paragraph 98, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied...

99. Clarkstown Defendants make no response to the allegations contained in Paragraph 99, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

100. Clarkstown Defendants make no response to the allegations contained in Paragraph 100, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

101. Clarkstown Defendants make no response to the allegations contained in Paragraph 101, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

102. Clarkstown Defendants make no response to the allegations contained in Paragraph 102, as those allegations are not directed to them. To the extent that said allegations may be construed to be directed to them, such allegations are denied.

#### **EIGHTH CAUSE OF ACTION**

103. Clarkstown Defendants repeat and reallege their answers to each and every allegation contained in Paragraphs 1 through 102 of the Complaint, as if fully set forth at length herein.

104. Clarkstown Defendants deny the allegations contained in Paragraph 104.

105. Clarkstown Defendants deny the allegations contained in Paragraph 105.

106. Clarkstown Defendants deny the allegations contained in Paragraph 106.

**SEPARATE DEFENSES**

**FIRST SEPARATE DEFENSE**

Plaintiffs are guilty of comparative negligence which negligence is greater than that of Defendant, and Plaintiffs are therefore barred from recovery.

**SECOND SEPARATE DEFENSE**

The Plaintiffs are barred by provisions of the applicable Statute of Limitations.

**THIRD SEPARATE DEFENSE**

The Plaintiffs fail to state a claim against the Clarkstown Defendants upon which relief may be granted.

**FOURTH SEPARATE DEFENSE**

The Plaintiffs are barred by virtue of the Doctrine of Estoppel, the Doctrine of Laches and the Doctrine of Waiver.

**FIFTH SEPARATE DEFENSE**

The Plaintiffs' Complaint is barred by the Doctrine of Unforeseeability.

**SIXTH SEPARATE DEFENSE**

The Clarkstown Defendants had no duty to the Plaintiffs at the times and places referred to in the Complaint.

**SEVENTH SEPARATE DEFENSE**

Plaintiffs' causes of action are barred by N.J.S. 2A:62a-6.

**EIGHTH SEPARATE DEFENSE**

Clarkstown defendants deny they are guilty of any negligence that was the proximate or producing cause of any injuries, losses or damages alleged to have been sustained by Plaintiffs.

**NINTH SEPARATE DEFENSE**

Clarkstown defendants reserve the right to rely on any affirmative or separate defenses pled by any other party hereto and otherwise pleaded herein, except to the extent that such defenses attempt to impose responsibility or liability upon the Clarkstown Defendants.

**TENTH SEPARATE DEFENSE**

Plaintiffs' complaint is barred due to the Court's lacks jurisdiction over the Clarkstown Defendants.

**ELEVENTH SEPARATE DEFENSE**

Defendant violated no duty due and owing to the Plaintiffs.

**TWELFTH SEPARATE DEFENSE**

The Plaintiffs' Complaint is barred by virtue of their failure to mitigate damages.

**THIRTEENTH SEPARATE DEFENSE**

Any injuries, losses or damages alleged to have been sustained by the Plaintiffs were the act or omission of a third person or persons, instrumentality or agency over whom the Clarkstown defendants had no control.

**FOURTEENTH SEPARATE DEFENSE**

Plaintiffs' complaint is barred by improper venue.

**FIFTEENTH SEPARATE DEFENSE**

If it is proven that the Clarkstown defendant were negligent, which allegations are hereby expressly denied, then Plaintiffs' claims are barred, controlled or limited by Plaintiffs' assumption of the risk.

**SIXTEENTH SEPARATE DEFENSE**

Plaintiffs' claims are barred pursuant to the Doctrine of Superseding and/or Intervening Cause.

**SEVENTEENTH SEPARATE DEFENSE**

Plaintiffs' claims are barred since Clarkstown Defendants had no actual or constructive notice of the alleged improper conduct by defendant Mark Staropoli.

**EIGHTEENTH SEPARATE DEFENSE**

Plaintiffs' causes of action against the Clarkstown Defendants are barred by N.J.S. 2A:53A-7.1.

**NINETEENTH SEPARATE DEFENSE**

If the Plaintiffs suffered any injuries as alleged, they were caused solely and primarily by Plaintiffs own consent, carelessness, recklessness, negligence and/or contributory negligence.

**TWENTY-FIRST SEPARATE DEFENSE**

Defendant reserves the right to interpose such other defenses as it may deem appropriate through continuing discovery in this matter.



**COUNTERCLAIMS AGAINST L.B.**

**COUNTERCLAIM AGAINST L.B. FOR NEGLIGENT SUPERVISION**

Clarkstown Defendants, by way of Counterclaim against L.B., allege and say:

1. As the father and sole guardian of the unemancipated minor A.B., L.B. was in the best position to know the limitations and capabilities of his own child.
2. As the father of A.B., L.B. had a duty to supervise A.B.'s activities to ensure her safety and well-being.
3. L.B. wantonly and recklessly disregarded his parental duty by repeatedly permitting his underage daughter to sleep at Mr. Staropoli's home for weeks at a time, unsupervised, beginning in the summer of 2002, when A.B. was only 13 years old, and continuing even after Mr. Staropoli was being investigated by a child welfare agency for criminal sexual assault on his daughter in August 2004.
4. L.B. wantonly and recklessly disregarded his parental duty by allowing Mr. Staropoli to pick up A.B. from his home in New Jersey and drive, unsupervised, to various locations where he had improper, sexual relations with his underage daughter.
5. L.B. wantonly and recklessly disregarded his parental duty by failing to supervise his daughter in his own home wherein Mr. Staropoli had improper sexual relations with A.B. on numerous occasions in 2004.
6. L.B.'s severe lack of parental supervision of his underage daughter rose to the level of willful and wanton misconduct.
7. Given L.B.'s severe lack of parental supervision, as well as the inordinate amount of time Mr. Staropoli was spending with his underage daughter, it was foreseeable, and L.B.

should have known, that improper sexual relations were occurring between A.B. and Mr. Staropoli.

8. L.B.'s severe lack of parental supervision proximately caused the plaintiffs' alleged financial, medical and psychological damages.

WHEREFORE, the Clarkstown Defendants demand:

- a. Judgment against plaintiff L.B. for any and all damages alleged by plaintiffs;
- b. Attorneys fees and costs; and
- c. Any other relief the Court may deem just and proper.

**COUNTERCLAIM AGAINST L.B. FOR CONTRIBUTION**

Clarkstown Defendants, by way of counterclaim for contribution against L.B., allege and say:

1. Clarkstown Defendants deny any and all legal liability and responsibility for the acts alleged in the Complaint.

2. If Clarkstown Defendants should be found liable to plaintiffs, which liability is denied, Clarkstown Defendants assert that L.B. is a joint tortfeasor with respect to any loss, liability or expense on account of plaintiffs' demand for judgment.

WHEREFORE, Clarkstown Defendants demand judgment for contribution against L.B. herein pursuant to and in accordance with the provisions of the Joint Tortfeasors Act, N.J.S.A. 2A:53A-1 et seq. and the New Jersey Comparative Negligence Act, N.J.S.A. 2A:15-5.1 et seq.

**COUNTERCLAIM AGAINST L.B. FOR INDEMNIFICATION**

Clarkstown Defendants, by way of crossclaim for indemnification against L.B., allege and say:

1. Clarkstown Defendants deny any and all legal liability and responsibility for the acts alleged in the Complaint.

2. If Clarkstown Defendants should be found liable to plaintiffs herein, which liability is denied, said liability will only be secondary, passive, technical, vicarious, or imputed and the liability of L.B. is active, direct and primary.

WHEREFORE, Clarkstown Defendants demand judgment against L.B. for indemnification in full with respect to any damages which may be recovered against the Clarkstown Defendants, by plaintiffs herein together with interest and costs of suit.

**CROSSCLAIMS**

**CROSSCLAIM FOR CONTRIBUTION**

Clarkstown Defendants, by way of crossclaim for contribution against all co-defendants, allege and say:

1. Clarkstown Defendants deny any and all legal liability and responsibility for the acts alleged in the Complaint.

2. If Clarkstown Defendants should be found liable to plaintiffs, which liability is denied, Clarkstown Defendants assert that all co-defendants herein are joint tortfeasors with respect to any loss, liability or expense on account of plaintiffs' demand for judgment.

WHEREFORE, Clarkstown Defendants demand judgment for contribution against all codefendants herein pursuant to and in accordance with the provisions of the Joint Tortfeasors Act, N.J.S.A. 2A:53A-1 et seq. and the New Jersey Comparative Negligence Act, N.J.S.A. 2A:15-5.1 et seq.

**CROSSCLAIM FOR INDEMNIFICATION**

Clarkstown Defendants, by way of crossclaim for indemnification against co-defendants, allege and say:

1. Clarkstown Defendants deny any and all legal liability and responsibility for the acts alleged in the Complaint.

2. If Clarkstown Defendants should be found liable to plaintiffs herein, which liability is denied, said liability will only be secondary, passive, technical, vicarious, or imputed and the liability of all codefendants herein named or to be named in the future is active, direct and primary.

WHEREFORE, Clarkstown Defendants demand judgment against co-defendants herein now named or which may be named in the future for indemnification in full with respect to any damages which may be recovered against the Clarkstown Defendants, by plaintiffs herein together with interest and costs of suit.

**DEMAND FOR STATEMENT OF DAMAGES**

Clarkstown Defendants demand that Plaintiffs furnish a written statement and itemization of the amount of damages they claim in this lawsuit within five days of the date hereof.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Clarkstown Defendants hereby demand a trial by jury to all matters pleaded so triable in this matter.

**DESIGNATION OF TRIAL COUNSEL**

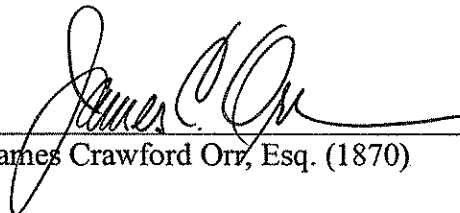
James Crawford Orr, Esq. and Susan Karlovich, Esq. are hereby designated as trial counsel.

**CERTIFICATION OF NO OTHER PENDING ACTION OR ARBITRATION**

Pursuant to L. Civ. R. 11.2, I hereby certify that, to the best of my knowledge, the matter in controversy is not the subject of any other pending or contemplated action or arbitration proceeding, other than the criminal actions entitled The People of the State of New York v. Mark Staropoli, Indictment No.: 2055-33 and State of New Jersey v. Mark Staropoli, Indictment No.: 05-000093. In addition, I am unaware of any additional or indispensable parties who should be joined in this action at this time.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
Attorneys for Defendants Clarkstown Soccer Club, Board Members  
and Employees of the Clarkstown Soccer Club, Nicholas Arcuri  
and Margaret Turrin

By: \_\_\_\_\_

  
James Crawford Orr, Esq. (1870)

Dated: March 10, 2008

**CERTIFICATION OF ELECTRONIC FILING AND MAILING**

I, Susan Karlovich, the undersigned, certify that a true copy of the within Answer to the Complaint and Civil Cover Sheet was electronically filed with the United States District Court, District of New Jersey in Trenton, New Jersey on this date and that copies were also delivered via regular mail to known counsel at their respective office addresses as follows:

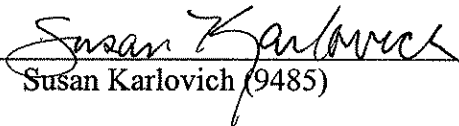
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P.O. Box 3010  
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Attorneys for Robert Walkley &  
Direct Kick Soccer

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
33 Washington Street, 18<sup>th</sup> fl.  
Newark, New Jersey 07102

By:   
Susan Karlovich (9485)

Dated: March 10, 2008

of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

A.B. and L.B., individually

DEFENDANTS

CLARKSTOWN SOCCER CLUB, BOARD MEMBERS AND EMPLOYEES OF THE CLARKSTOWN SOCCER CLUB, NICHOLAS ARCURI and MARGARET TURRIN, Defendants, Counterclaimants & Crossclaimants

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Morris COUNTY, New Jersey  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT ROCKLAND COUNTY, NEW YORK  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Michael R. Ascher, Esq.  
Einhorn, Harris, Ascher, Barbarito,  
Frost & Ironson, P.C.  
Denville, NJ 07834-3010  
Attorneys for Plaintiffs  
(973) 627-7300

ATTORNEYS (IF KNOWN)

James Crawford Orr, Esq.  
Susan Karlovich, Esq.  
Wilson, Elser, Moskowitz, Edelman & Dicker LLP  
33 Washington Street, 18th Floor  
Newark, New Jersey 07102  
(973) 624-0800

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item II)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDENT)

- Citizen of This State PTF ☒ 1 DEF ☐ 1  
Citizen of Another State PTF ☐ 2 DEF ☒ 2  
Citizen or Subject of a Foreign Country PTF ☐ 3 DEF ☐ 3  
Incorporated or Principal Place of Business in This State PTF ☐ 4 DEF ☐ 4  
Incorporated and Principal Place of Business in Another State PTF ☐ 5 DEF ☒ 5  
Foreign Nation PTF ☐ 6 DEF ☐ 6

IV. CAUSE OF ACTION

CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.

Plaintiffs allege personal and pecuniary injuries as a result of improper sexual contact between minor plaintiff A.B. and defendant Mark Staropoli, her former soccer coach, formerly affiliated with defendant Clarkstown Soccer Club. Court has original jurisdiction under diversity 28 USC 1332.

V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(p)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. ORIGIN

(PLACE AN x IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

CLASS ACTION

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Date March 10, 2008  
SIGNATURE OF ATTORNEY ON RECORD  
S/ James Crawford Orr



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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A.B., et al.,

Plaintiff(s)

v.

MARK STAROPOLI, et al.,

Defendant(s)

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:  
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:  
:

Civil Action No. 07-6077(KSH)

SCHEDULING ORDER

This matter having come before the Court on its review of the docket; and it appearing that a conference under Fed. R. Civ. P. 16 should be convened;

IT IS THEREFORE ON THIS 10<sup>th</sup> day of March, 2008,

**ORDERED THAT:**

(1) A scheduling conference shall be conducted before the Undersigned at **10:30 A.M.** on **April 17, 2008**, in Courtroom 10, U.S. Post Office & Courthouse Bldg., 2 Federal Square, Newark, N.J. See Local Civil Rule 16.1(a)(1);

(2) Early disclosure requirements of Fed. R. Civ. P. 26 will be enforced. Therefore, the parties shall immediately exchange the information described in Fed. R. Civ. P. 26(a)(1)(A)-(D) without awaiting a discovery request;

(3) At least fourteen (14) days before the conference scheduled herein, the parties shall confer pursuant to Fed. R. Civ. P. 26(f) and shall submit a discovery plan to the Undersigned not later than 72 hours before the conference with the Court. THE DISCOVERY PLAN SHALL BE IN THE FORM OF THE ATTACHED AND SHALL BE SUBMITTED JOINTLY;

(4) The parties are directed to Local Civil Rule 26.1(d), which addresses “discovery of digital information including computer-based information,” describes the obligations of counsel with regard to their



clients' information management systems, and directs parties to "confer and attempt to agree on computer-based and other digital discovery matters.";

(5) No formal discovery demands may issue before the conference with the Court. Unless the parties stipulate otherwise or leave of Court is obtained, the case management order will limit the number of interrogatories, including subparts, to 25 and depositions that each party may seek to 10. See Fed. R. Civ. P. 26(b), 26(d);

(6) At the conference, all parties who are not appearing pro se must be represented by counsel who has full authority to bind their clients in all pretrial matters. Counsel shall also be prepared to discuss the merits of the case and have settlement authority. Clients or persons with authority over the matter shall be available by telephone. Local Civil Rule 16.1(a)(3);

(7) At the conference, the Court will address scheduling of all motions. No motions may be filed without prior leave of the Court. If any motions have already been filed, the parties shall immediately advise the Court in writing regarding the nature of the motions and the present status of same;

(8) Plaintiff(s) shall notify any party who hereafter enters an appearance of the conference scheduled herein and forward to that party a copy of this Order;

(9) The Court has implemented an electronic case filing system for all documents filed with the Clerk of Court. Electronic case filing is mandatory for all cases except those involving a pro se litigant.

(10) To register as an electronic filer, obtain on-line training, and see policies and procedures, contact the Clerk's Office or visit the website at [pacer.njd.uscourts.gov](http://pacer.njd.uscourts.gov). On-site training is also available and can be arranged by contacting 973-645-4439. Orders are electronically filed and paper copies will be provided to pro se litigants only. Registered counsel will be notified via email when an order is filed but are responsible for retrieving and reviewing the Order itself;

(11) The parties shall advise the Undersigned immediately if this action has been settled or terminated so that the above conference may be cancelled;

(12) Failure to comply with the terms hereof may result in the imposition of sanctions;

- (13) Absent permission from Chambers, communications to the Court by facsimile is not permitted; and
- (14) All communications to the Court shall be in writing or by telephone conference.

s/Patty Shwartz  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Civil Action No.

Plaintiff(s),

v.

Defendant(s).

JOINT DISCOVERY PLAN

1. For each party, set forth the name of the party, attorney appearing, the firm name, address, e-mail address, telephone number and facsimile number.

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2. (a) Set forth a brief description of the case, including the facts, causes of action and affirmative defenses asserted.

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(b) Is this a fee-shifting case?

Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_ If so, set forth legal authority.

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3. Has this action been: Settled \_\_\_\_\_ Discontinued \_\_\_\_\_

If so, has there been a Stipulation/Dismissal filed?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Have settlement discussions taken place? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, when? \_\_\_\_\_

(a) What was plaintiff's last demand? \_\_\_\_\_

(1) Monetary demand: \$ \_\_\_\_\_

(2) Non-monetary demand: \_\_\_\_\_

(b) What was defendant's last offer? \_\_\_\_\_

(1) Monetary offer: \$ \_\_\_\_\_

(2) Non-monetary offer: \_\_\_\_\_

5. Core discovery needed to be able to discuss settlement in a meaningful way:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. The parties [have \_\_\_\_\_ -have not \_\_\_\_\_] exchanged the information required by Fed. R.Civ. P. 26(a)(1). If not, state the reason.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Explain any problems in connection with completing the disclosures required by Fed. R.Civ. P. 26(a)(1).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. The parties [have \_\_\_\_\_ -have not \_\_\_\_\_] conducted discovery other than the above disclosures. If so, describe.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. The parties [have \_\_\_\_\_ -have not \_\_\_\_\_] met pursuant to Fed. R. Civ. P. 26(f).

(a) If not, state the reason therefor.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) If so, state the date of the meeting and the persons in attendance.

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(c) If this is not a joint plan, set forth the reason.

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10. (a) Discovery is needed on the following subjects:

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(b) Discovery [should \_\_\_\_\_ -should not \_\_\_\_\_] be conducted in phases or be limited to particular issues. If phased discovery is proposed, set forth the reason.

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(c) Maximum of \_\_\_\_\_ interrogatories by each party to each other party.

(d) Maximum of \_\_\_\_\_ depositions to be taken by each party.

(e) Fact discovery to be completed by \_\_\_\_\_.

(f) Motions to amend or to add parties to be filed by \_\_\_\_\_.

(g) Plaintiff's expert report (if needed) due on \_\_\_\_\_.

(h) Defendant's expert report (if needed) due on \_\_\_\_\_.

(i) Expert depositions to be completed by \_\_\_\_\_. (If there is a need for a liability expert and it is necessary to defer the completion of expert discovery beyond this deadline, set forth the reason.)

(j) Dispositive motions to be served within \_\_\_\_\_ days of completion of discovery.

(k) Set forth any special discovery mechanism or procedure requested, including data preservation orders or discovery confidentiality orders: \_\_\_\_\_

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(l) The settlement pretrial conference may take place on \_\_\_\_\_.

(m) The final conference may take place on \_\_\_\_\_.

11. Do you anticipate any discovery issues, challenges or problems? Yes \_\_\_\_ No \_\_\_\_

If so, explain.

12. Do you anticipate any special discovery needs (i.e., videotape/telephone depositions; foreign evidence collection; problems with out-of-state witnesses or documents, etc.)? Yes \_\_\_\_ No \_\_\_\_

If so, explain.

13. State whether this case is appropriate for voluntary arbitration (pursuant to Local Civil Rule 201.1 or otherwise), mediation (pursuant to Local Civil Rule 301.1 or otherwise), appointment of a special master or other special procedure. If not presently appropriate, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pretrial disclosures, after completion of depositions, after disposition or dispositive motions, etc.).

14. Is this trial appropriate for bifurcation? Yes \_\_\_\_ No \_\_\_\_

15. We [do \_\_\_\_ do not \_\_\_\_] consent to the trial being conducted by a Magistrate Judge.

\_\_\_\_\_  
Attorneys for Plaintiff(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorneys for Defendant(s)

\_\_\_\_\_  
Date

ALTERNATIVE DISPUTE RESOLUTION  
IN THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

Mediation is the Alternative Dispute Resolution ( “ADR”) program in this Court. Mediation is governed by Local Civil Rule 301.1. The mediation program under this rule is supervised by a judicial officer (at present United States Magistrate Judge Madeline Cox Arleo) who is available to answer any questions about the program.

Any district judge or magistrate judge may refer a civil action to mediation. This may be done without the consent of the parties. However, the Court encourages parties to confer among themselves and consent to mediation. Moreover, you are reminded that, when counsel confer pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Civil Rule 26.1, one of the topics that must be addressed is the eligibility of a civil action for participation in ADR.

A civil action may be referred to mediation at any time. However, one of the advantages of mediation is that, if successful, it enables parties to avoid the time and expense of discovery and trial. Accordingly, the Court encourages parties to consent to mediation prior to or at the time that automatic disclosures are made pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

If parties consent to mediation, they may choose a mediator either from the list of certified mediators maintained by the Court or by the selection of a private mediator. If a civil action is referred to mediation without consent of the parties, the judicial officer responsible for supervision of the program will select the mediator.

Mediation is non-judgmental. The role of the mediator is to assist the parties in reaching a resolution of their dispute. The parties may confer with the mediator on an ex parte basis. Anything said to the mediator will be deemed to be confidential and will not be revealed to another party or to others without the party’s consent. The first six hours of a mediator’s time is free. The mediator’s hourly rate thereafter is \$150.00, which is borne equally by the parties.

If you would like further information with regard to the mediation program please review the Guidelines for Mediation, which are available on the Court’s Web Site “[pacer.njd.uscourts.gov](http://pacer.njd.uscourts.gov)” and appear as Appendix Q to the Local Civil Rules. You may also make inquiries of the judicial officer responsible for supervision of the program.

**Civil actions in which there are *pro se* parties (incarcerated or not) are not eligible for mediation.**

RECEIVED-CLERK  
U.S. DISTRICT COURT

2008 MAR 10 P 2:50

ALAN S. GOLDBERGER  
GOLDBERGER & GOLDBERGER

1373 Broad Street

P.O. Box 447

Clifton, New Jersey 07015

(973) 471-9200

Attorneys for Defendant

ROBERT WALKLEY, individually and t/a "Direct Kick Soccer," incorrectly denominated in the Complaint as "Direct Kick Soccer"

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

A.B. and L.B., individually,

Plaintiffs,

vs.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS OF EMPLOYEES OF THE  
CLARKSTOWN SOCCER CLUB, NICHOLAS  
ARCURI, MARGARET TURRIN, DIRECT KICK  
SOCCER, ROBERT WALKLEY, JOHN DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), JANE  
DOES 1 through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names for  
the persons, partnerships and/or corporations  
intended),

Defendants.

CASE NO. 2:07-cv-6077-KSH-PS

CIVIL ACTION

STIPULATION FOR  
SUBSTITUTION OF  
ATTORNEYS


It is hereby stipulated and consented that Alan S. Goldberger, Esq., of Goldberger &



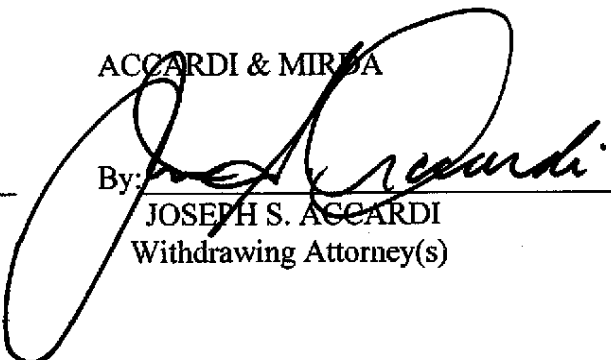
Goldberger, of 1373 Broad Street, P.O. Box 447, Clifton, New Jersey 07015-0447, be and hereby is substituted in place and instead of Accardi & Mirda, PC, Attorneys at Law, of 570 W. Mt. Pleasant Avenue, Livingston, New Jersey 07039, as attorneys for the defendant Robert Walkley, individually and t/a "Direct Kick Soccer," incorrectly denominated in the Complaint as "Direct Kick Soccer" in this action and that this substitution be entered into effect without further notice.

Dated: February 26, 2008

GOLDBERGER & GOLDBERGER

By:   
ALAN S. GOLDBERGER  
Superseding Attorney(s)

ACCARDI & MIRDA

By:   
JOSEPH S. ACCARDI  
Withdrawing Attorney(s)

ALAN S. GOLDBERGER  
GOLDBERGER & GOLDBERGER  
1373 Broad Street  
P.O. Box 447  
Clifton, New Jersey 07015  
(973) 471-9200  
Attorneys for Defendant  
ROBERT WALKLEY, individually and t/a "Direct Kick Soccer,"  
incorrectly denominated in the Complaint as "Direct Kick Soccer"  
5100-0774

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

A.B. and L.B., individually,

Plaintiffs,

vs.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS OF EMPLOYEES OF THE  
CLARKSTOWN SOCCER CLUB, NICHOLAS  
ARCURI, MARGARET TURRIN, DIRECT KICK  
SOCCER, ROBERT WALKLEY, JOHN DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), JANE  
DOES 1 through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names for  
the persons, partnerships and/or corporations  
intended),

Defendants.

CASE NO. 2:07-cv-6077-KSH-PS

CIVIL ACTION

**AMENDED ANSWER and CLAIM  
FOR CONTRIBUTION AND  
INDEMNIFICATION, REQUEST  
FOR STATEMENT OF  
DAMAGES, DESIGNATION OF  
TRIAL COUNSEL AND DEMAND  
FOR TRIAL BY JURY**

FILED ELECTRONICALLY

Defendant, Robert Walkley, individually and t/a "Direct Kick Soccer," incorrectly  
denominated in the Complaint as "Direct Kick Soccer," by way of Answer to the Complaint,  
says:

**ANSWER AS TO STATEMENT OF THE PARTIES**

1. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1.

2. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2.

3. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3.

4. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4.

5. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5.

6. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6.

7. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7.

8. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8.

9. Answering Defendant denies the allegations contained in Paragraph 9.

10. It is admitted that answering Defendant resides at 72 Roosevelt Avenue, Pearl River, New York and traded as “Direct Kick Soccer.” The remaining allegations of Paragraph 10 are denied.

11. Answering Defendant is without knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 11.

12. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12.

13. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13.

#### **ANSWER AS TO STATEMENT OF JURISDICTION**

14. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14.

15. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15.

#### **ANSWER AS TO STATEMENT OF VENUE**

16. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16; to the extent that the Paragraph recites that the venue of the within case properly lies in the District of New Jersey, same is a conclusion of law and no answer is made with respect thereto.

#### **ANSWER AS TO STATEMENT OF FACTS**

17. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17.

18. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18.

#### **ANSWER AS TO SEXUAL ACTS OCCURRING IN THE STATE OF NEW YORK**

19. Answering Defendant is without knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 19.

20. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20.

21. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21.

22. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22.

23. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23.

24. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24.

25. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25.

26. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26.

27. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27.

28. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28.

29. Denies acknowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29.

30. Answering Defendant is without knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 30.

31. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31.

32. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32.

33. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33.

34. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34.

35. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35.

36. Denies acknowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36.

37. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37.

38. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38.

39. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39.

40. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40.

41. Answering Defendant is without knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 41.

42. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42.

**ANSWER AS TO SEXUAL ACTS OCCURRING IN THE STATE OF NEW JERSEY**

43. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43.

44. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44.

45. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45.

46. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46.

47. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47.

48. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48.

49. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49.

50. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50.

51. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51.

52. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52.

53. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53.

54. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54.

55. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55.

**ANSWER AS TO SEXUAL ACTS OCCURRING IN OTHER STATES**

56. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56.

57. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57.

**ANSWER AS TO SEXUAL ACTS OCCURRING OUTSIDE OF THE UNITED STATES**

58. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58.

**ANSWER AS TO LEGAL ALLEGATIONS**

**ANSWER TO FIRST CAUSE OF ACTION**

59. Answering Defendant repeats and realleges each and every answer to the allegations of Paragraphs 1 through 58 as though set forth herein at length.

60. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60.



61. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61.

62. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62.

63. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63.

64. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64.

65. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65.

#### **ANSWER TO SECOND CAUSE OF ACTION**

66. Answering Defendant repeats and realleges each and every answer to the allegations of the First Cause of Action as though set forth herein at length.

67. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67.

68. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68.

69. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69.

70. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70.

71. Answering Defendant is without knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 71.

72. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72.

### **ANSWER TO THIRD CAUSE OF ACTION**

73. Answering Defendant repeats and realleges each and every answer to the allegations of the First and Second Cause of Action as though set forth herein at length.

74. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 74.

75. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 75.

76. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76.

77. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77.

78. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78.

79. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 79.

### **ANSWER TO FOURTH CAUSE OF ACTION**

80. Answering Defendant repeats and realleges each and every answer to the allegations of the First through Third Cause of Action as though set forth herein at length.

81. Answering Defendant is without knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 81.

82. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 82.

83. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 83.

84. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 84.

85. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 85.

86. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 86.

#### **ANSWER TO FIFTH CAUSE OF ACTION**

87. Answering Defendant repeats and realleges each and every answer to the allegations of the First through Fourth Cause of Action as though set forth herein at length.

88. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 88.

89. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 89.

90. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 90.

91. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 91.

### **ANSWER TO SIXTH CAUSE OF ACTION**

92. Answering Defendant repeats and realleges each and every answer to the allegations of the First through Fifth Cause of Action as though set forth herein at length.

93. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 93.

94. The allegations contained in Paragraph 94 which may be deemed directed against answering Defendant are denied.

95. The allegations contained in Paragraph 95 are not directed against answering Defendant and therefore no answer is made thereto except to deny any such allegations which may be deemed directed against answering Defendant.

### **ANSWER TO SEVENTH CAUSE OF ACTION**

96. Answering Defendant repeats and realleges each and every answer to the allegations of the First through Sixth Cause of Action as though set forth herein at length.

97. Answering Defendant denies the allegations contained in Paragraph 97.

98. Answering Defendant denies the allegations contained in Paragraph 98.

99. Answering Defendant denies the allegations contained in Paragraph 99.

100. Answering Defendant denies the allegations contained in Paragraph 100.

101. Answering Defendant denies the allegations contained in Paragraph 101.

102. Answering Defendant denies the allegations contained in Paragraph 102.

### **ANSWER TO EIGHTH CAUSE OF ACTION**

103. Answering Defendant repeats and realleges each and every answer to the allegations of the First through Seventh Cause of Action as though set forth herein at length.

104. The allegations contained in Paragraph 104 are not directed against answering Defendant and therefore no answer is made thereto except to deny any such allegations which may be deemed directed against answering Defendant.

105. The allegations contained in Paragraph 105 are not directed against answering Defendant and therefore no answer is made thereto except to deny any such allegations which may be deemed directed against answering Defendant.

106. The allegations contained in Paragraph 106 are not directed against answering Defendant and therefore no answer is made thereto except to deny any such allegations which may be deemed directed against answering Defendant.

#### **FIRST SEPARATE DEFENSE**

The Complaint fails to state a claim upon which relief can be granted.

#### **SECOND SEPARATE DEFENSE**

Answering Defendant was not guilty of any negligence.

#### **THIRD SEPARATE DEFENSE**

Any damages suffered by the Plaintiffs were caused directly, proximately and solely by the negligence of third-persons beyond the control of answering Defendant.

#### **FOURTH SEPARATE DEFENSE**

Any damages sustained by the Plaintiffs were the result of an independent cause beyond the control of answering Defendant.

#### **FIFTH SEPARATE DEFENSE**

Answering Defendant asserts entitlement to a credit or set off with respect to all collateral payments to Plaintiffs for injuries.

#### **SIXTH SEPARATE DEFENSE**

Plaintiffs are barred from recovery and have waived all rights thereto by reason of Plaintiffs' carelessness and contributory negligence.

#### **SEVENTH SEPARATE DEFENSE**

Answering Defendant breached no warranties, oral or written, express or implied to Plaintiffs.

#### **EIGHTH SEPARATE DEFENSE**

Answering Defendant violated no duty to Plaintiffs.

#### **NINTH SEPARATE DEFENSE**

Any damages sustained by Plaintiffs were occasioned by Plaintiffs' own acts and/or omissions.

#### **TENTH SEPARATE DEFENSE**

Answering Defendant further asserts that Plaintiffs' claims are barred by the doctrine of "avoidable consequences" and "mitigation" in that Plaintiffs and/or others could have and therefore should have taken action to minimize or preclude and avoid any claims and causes of action or alleged injuries and damages and failed to do so.

#### **ELEVENTH SEPARATE DEFENSE**

The negligence of the Plaintiffs were greater than the negligence of answering Defendant, which negligence is denied, and such negligence of the Plaintiffs were a substantial factor in causing the incidents, personal injuries, and damages about which Plaintiffs now complain and, therefore, Plaintiffs are barred from recovery by virtue of N.J.S.A. 2A:15-5.1 et seq.

#### **TWELFTH SEPARATE DEFENSE**

Plaintiffs' recovery for personal injuries and/or damages shall be diminished by the percentage of the total negligence attributable to Plaintiffs under the provisions N.J.S.A. 2A:15-5-1 et seq.

#### **THIRTEENTH SEPARATE DEFENSE**

Answering Defendant is immune from tort liability pursuant to N.J.S.A. 2A:62A-6 et seq.

#### **FOURTEENTH SEPARATE DEFENSE**

The Amended Complaint is barred by insufficiency of process.

#### **FIFTEENTH SEPARATE DEFENSE**

The Amended Complaint is barred by insufficiency of service of process.

#### **SIXTEENTH SEPARATE DEFENSE**

The claim is barred by reason of lack of privity.

#### **SEVENTEENTH SEPARATE DEFENSE**

The claim is barred by reason of lack of jurisdiction over subject matter.

#### **EIGHTEENTH SEPARATE DEFENSE**

The claim is barred by reason of lack of jurisdiction over the person of the Defendant(s).

#### **NINETEENTH SEPARATE DEFENSE**

Any damages suffered by the Plaintiffs were caused directly, proximately, and solely by the intentional, criminal acts of third persons beyond the control of answering Defendant.

#### **TWENTIETH SEPARATE DEFENSE**

The complaint is barred by reason of failure to join an indispensable party.

### **TWENTY-FIRST SEPARATE DEFENSE**

Some or all of Plaintiffs' claims against answering Defendant are or may be barred in whole or in part by applicable statutes of limitation.

### **TWENTY-SECOND SEPARATE DEFENSE**

The complaint is barred by the Entire Controversy Doctrine.

### **TWENTY-THIRD SEPARATE DEFENSE**

Answering Defendant reserves the right to amend the within pleading and to interpose such other affirmative defenses and claims as necessary or appropriate subject to continuing investigation and discovery in the within matter.

**WHEREFORE**, Defendant, Robert Walkley, individually and t/a "Direct Kick Soccer," prays that the Court (1.) dismiss the Complaint with prejudice; (2.) award Answering Defendant its costs of suit; and (3.) Award to Answering Defendant such further relief as the Court deems just and proper.

### **ANSWER TO CROSS-CLAIMS**

Defendant by way of answer to the Cross-Claims of co-Defendants herein says:

Answering Defendant denies each and every allegation set forth in the Cross-Claims asserted by all co-Defendants.

### **CROSS-CLAIMS FOR CONTRIBUTION**

While denying any negligence, Answering Defendant hereby asserts Cross-Claims for contribution against all co-Defendants pursuant to the New Jersey Joint Tortfeasors Contribution Act, N.J.S.A. 2A:53A-1 et seq. and R. 4:7-5(b).

**WHEREFORE**, Defendant, Robert Walkley, individually and t/a "Direct Kick Soccer,"



demands judgment for contribution against all co-defendants herein pursuant to the New Jersey Joint Tortfeasors Contribution Act and the New Jersey Comparative Negligence Act.

### **CROSS-CLAIMS FOR INDEMNIFICATION**

Answering Defendant asserts that he is entitled to be indemnified and saved harmless from all loss or liability, including attorneys' fees and defense costs arising from the instant litigation, by the co-Defendants herein, pursuant to express and implied agreements and pursuant to common law and states that its tortious wrongdoing, if any, was secondary, imputed and vicarious and that the tortious wrongdoing, if any, of the co-Defendants herein are the primary, active and direct cause of the delict and damages alleged by the Plaintiffs. Answering Defendant further asserts that the co-Defendants have breached other diverse express and implied contractual obligations which breach(s) caused or contributed to the delict stated by Plaintiffs and which have or will result in loss or damage to answering Defendant in an amount equal to the loss or damage stated by Plaintiffs together with costs, interest and attorneys' fees.

Answering Defendant demands judgment against the co-Defendants in said amount.

WHEREFORE, Defendant, Robert Walkley, individually and t/a "Direct Kick Soccer," demands judgment against co-defendants herein for any damages which may be awarded against Answering Defendant, together with interest, costs of suit and such further relief as the Court deems just and proper.

### **JURY DEMAND**

Answering Defendant demands a trial by jury as to all issues.

### **REQUEST FOR STATEMENT OF DAMAGES**

Pursuant to Rule L.Civ.R. 8.1, answering Defendant hereby demands of the Plaintiffs a specific statement of the amount of money damages claimed on each count of the Complaint.

### **DESIGNATION OF TRIAL COUNSEL**

Answering Defendant Robert Walkley hereby designates Alan S. Goldberger trial counsel in the within matter.

GOLDBERGER & GOLDBERGER  
Attorneys for Defendant  
Robert Walkley, individually  
and t/a "Direct Kick Soccer"

s/ Alan S. Goldberger

ALAN S. GOLDBERGER

Dated: March 13, 2008

### **CERTIFICATION PURSUANT TO L.CIV.R. 11.2**

I certify, to the best of my knowledge, this matter is not the subject of any other civil action pending in any court or of any pending arbitration or administrative proceeding other than, on information and belief, criminal matters in the States of New Jersey and New York, respectively, entitled the People of the State of New York v. Mark Staropoli, Indictment No: 2005-33 and in the State of New Jersey v. Mark Staropoli, Indictment No: 05-00093.

s/ Alan S. Goldberger

ALAN S. GOLDBERGER

Dated: March 13, 2008

ALAN S. GOLDBERGER  
GOLDBERGER & GOLDBERGER  
1373 Broad Street  
P.O. Box 447  
Clifton, New Jersey 07015  
(973) 471-9200

Attorneys for Defendant

ROBERT WALKLEY, individually and t/a "Direct Kick Soccer,"  
incorrectly denominated in the Complaint as "Direct Kick Soccer"  
5100-0774

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

A.B. and L.B., individually,

Plaintiffs,

vs.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS OF EMPLOYEES OF THE  
CLARKSTOWN SOCCER CLUB, NICHOLAS  
ARCURI, MARGARET TURRIN, DIRECT KICK  
SOCCER, ROBERT WALKLEY, JOHN DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), JANE  
DOES 1 through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names for  
the persons, partnerships and/or corporations  
intended),

Defendants.

CASE NO. 2:07-cv-6077-KSH-PS

CIVIL ACTION

**CERTIFICATION OF  
ELECTRONIC FILING AND  
MAILING**

I, Alan S. Goldberger, the undersigned, hereby certify that a true copy of the within  
Amended Answer to the Complaint was electronically filed with the United States District Court,

District of New Jersey in Newark, New Jersey on this date and that copies were also delivered via regular mail to known counsel at their respective office addresses as follows:

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Einhorn, Harris, Ascher, Barbarito & Frost P.C.  
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Livingston, NJ 07039

Jack T. Spinella, Esq.  
Nicoll, Davis & Spinella, LLP  
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Paramus, NJ 07652  
Attorneys for Defendant Paula Staropoli

Susan Karlovich, Esq.  
Wilson, Elser, Moskowitz, Edelman,  
Dicker, LLP  
33 Washington Street, 18<sup>th</sup> Floor  
Newark, NJ 07102  
Attorneys for Defendants  
Clarkstown Soccer Club, Board Members  
of Employees of the Clarkstown Soccer  
Club, Nicholas Arcuri, Margaret Turrin

s/ Alan S. Goldberger  
ALAN S. GOLDBERGER

Dated: March 13, 2008

NICOLL DAVIS & SPINELLA LLP  
95 Route 17 South  
Paramus, New Jersey 07652  
(201) 712-1616  
Attorneys for Defendant, Paula Staropoli

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

A.B. and L.B., individually,

Plaintiff,

v.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS OF EMPLOYERS OF THE  
CLARKSTOWN SOCCER CLUB,  
NICHOLAS ARCURI, MARGARET TURRIN,  
DIRECT KICK SOCCER, ROBERT  
WALKLEY, JOHN DOES 1 through 5  
(fictitious names for the persons, partnerships  
and/or corporations intended), JANE DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names  
for the persons, partnerships and/or  
corporations intended),

Defendants.

Civil Action Number: 2:07-cv-6077

**ANSWER AND CROSS CLAIMS**

Defendant, Paula Staropoli (the “Defendant”), by and through her attorneys, in response to the allegations of Plaintiffs, A.B. and L.B. (the “Plaintiffs”) in the Complaint, herein say as follows:

**STATEMENT OF THE PARTIES**

1. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 1 of the Complaint.

2. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 2 of the Complaint.

3. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 3 of the Complaint.

4. Defendant admits the allegations set forth in Paragraph 4 of the Complaint.

5. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 5 of the Complaint.

6. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 6 of the Complaint.

7. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 7 of the Complaint.

8. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 8 of the Complaint.

9. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 9 of the Complaint.

10. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 10 of the Complaint.

11. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 11 of the Complaint.

12. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 12 of the Complaint.

13. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 13 of the Complaint.

**STATEMENT OF JURISDICTION**

14. Defendant cannot answer the allegations of paragraph 14, as paragraph 14 requires a legal conclusion. To the extent that any of the allegations are intended to be allegations of fact, Defendant denies said allegations contained in paragraph and all its subparts.

15. Defendant denies the allegations contained in Paragraph 15 of the Complaint.

**STATEMENT OF VENUE**

16. Defendant denies the allegations contained in Paragraph 16 of the Complaint.

**STATEMENT OF FACTS**

17. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 17 of the Complaint.

18. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 18 of the Complaint.

**SEXUAL ACTS OCCURRING IN THE STATE OF NEW YORK**

19. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 19 of the Complaint.

20. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 20 of the Complaint.

21. Admit that Plaintiff A.B. stayed at the Staropoli home occupied by Mark Staropoli and Paula Staropoli, however, Defendant is without sufficient information to form an opinion as to the truth of the remaining allegations in Paragraph 21 of the Complaint.

22. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 22 of the Complaint.

23. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 23 of the Complaint.

24. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 24 of the Complaint.

25. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 25 of the Complaint.

26. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 26 of the Complaint.

27. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 27 of the Complaint.

28. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 28 of the Complaint.

29. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 29 of the Complaint.

30. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 30 of the Complaint.

31. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 31 of the Complaint.

32. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 32 of the Complaint.



33. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 33 of the Complaint.

34. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 34 of the Complaint.

35. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 35 of the Complaint.

36. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 36 of the Complaint.

37. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 37 of the Complaint.

38. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 38 of the Complaint.

39. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 39 of the Complaint.

40. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 40 of the Complaint.

41. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 41 of the Complaint.

42. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 42 of the Complaint.

**SEXUAL ACTS OCCURRING IN THE STATE OF NEW JERSEY**

43. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 43 of the Complaint.

44. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 44 of the Complaint.

45. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 45 of the Complaint.

46. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 46 of the Complaint.

47. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 47 of the Complaint.

48. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 48 of the Complaint.

49. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 49 of the Complaint.

50. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 50 of the Complaint.

51. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 51 of the Complaint.

52. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 52 of the Complaint.

53. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 53 of the Complaint.

54. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 54 of the Complaint.

55. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 55 of the Complaint.

**SEXUAL ACTS OCCURRING IN OTHER STATES**

56. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 56 of the Complaint.

57. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in Paragraph 57 of the Complaint.

**SEXUAL ACTS OCCURRING OUTSIDE OF UNITED STATES**

58. Defendant is without sufficient information to form an opinion as to the truth of the allegations contained in sentences one and three of Paragraph 58 of the Complaint. Defendant denies that she chaperoned any team at any time.

**LEGAL ALLEGATIONS**

**FIRST CAUSE OF ACTION**

59. Defendant repeats and realleges her answers to each and every allegation contained in Paragraphs 1 through 58 of the Complaint, as if fully set forth at length herein.

60. Defendant makes no response to the allegations contained in Paragraph 60, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

61. Defendant makes no response to the allegations contained in Paragraph 61, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

62. Defendant makes no response to the allegations contained in Paragraph 62, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

63. Defendant denies the allegations contained in Paragraph 63 of the Complaint.

64. Defendant makes no response to the allegations contained in Paragraph 64, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

65. Defendant makes no response to the allegations contained in Paragraph 65, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

### **SECOND CAUSE OF ACTION**

66. Defendant repeats and realleges her answers to each and every allegation contained in Paragraphs 1 through 65 of the Complaint, as if fully set forth at length herein.

67. Defendant makes no response to the allegations contained in Paragraph 67, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

68. Defendant makes no response to the allegations contained in Paragraph 68, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

69. Defendant makes no response to the allegations contained in Paragraph 69, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

70. Defendant makes no response to the allegations contained in Paragraph 70, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

71. Defendant makes no response to the allegations contained in Paragraph 71, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

72. Defendant makes no response to the allegations contained in Paragraph 72, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

### **THIRD CAUSE OF ACTION**

73. Defendant repeats and realleges her answers to each and every allegation contained in Paragraphs 1 through 72 of the Complaint, as if fully set forth at length herein.

74. Admit that Defendant is the wife of defendant Mark Staropoli but deny the remaining allegations of Paragraph 74 of the Complaint.

75. Defendant denies the allegations contained in Paragraph 75 of the Complaint.

76. Defendant denies the allegations contained in Paragraph 76 of the Complaint.

77. Defendant denies the allegations contained in Paragraph 77 of the Complaint.

78. Defendant denies the allegations contained in Paragraph 78 of the Complaint.

79. Defendant makes no response to the allegations contained in Paragraph 79, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

#### **FOURTH CAUSE OF ACTION**

80. Defendant repeats and realleges her answers to each and every allegation contained in Paragraphs 1 through 79 of the Complaint, as if fully set forth at length herein.

81. Defendant makes no response to the allegations contained in Paragraph 81, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

82. Defendant makes no response to the allegations contained in Paragraph 82, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

83. Defendant makes no response to the allegations contained in Paragraph 83, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

84. Defendant makes no response to the allegations contained in Paragraph 84, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

85. Defendant makes no response to the allegations contained in Paragraph 85, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

86. Defendant makes no response to the allegations contained in Paragraph 86, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

**FIFTH CAUSE OF ACTION**

87. Defendant repeats and realleges her answers to each and every allegation contained in Paragraphs 1 through 86 of the Complaint, as if fully set forth at length herein.

88. Defendant makes no response to the allegations contained in Paragraph 88, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

89. Defendant makes no response to the allegations contained in Paragraph 89, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

90. Defendant makes no response to the allegations contained in Paragraph 90, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

91. Defendant makes no response to the allegations contained in Paragraph 91, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

**SIXTH CAUSE OF ACTION**

92. Defendant repeats and realleges her answers to each and every allegation contained in Paragraphs 1 through 91 of the Complaint, as if fully set forth at length herein.

93. Defendant denies the allegations contained in Paragraph 93 of the Complaint.

94. Defendant denies the allegations contained in Paragraph 94 of the Complaint.

95. Defendant denies the allegations contained in Paragraph 95 of the Complaint.

**SEVENTH CAUSE OF ACTION**

96. Defendant repeats and realleges her answers to each and every allegation contained in Paragraphs 1 through 95 of the Complaint, as if fully set forth at length herein.

97. Defendant makes no response to the allegations contained in Paragraph 97, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

98. Defendant makes no response to the allegations contained in Paragraph 98, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

99. Defendant makes no response to the allegations contained in Paragraph 99, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

100. Defendant makes no response to the allegations contained in Paragraph 100, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

101. Defendant makes no response to the allegations contained in Paragraph 101, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

102. Defendant makes no response to the allegations contained in Paragraph 102, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.



### **EIGHTH CAUSE OF ACTION**

103. Defendant repeats and realleges her answers to each and every allegation contained in Paragraphs 1 through 102 of the Complaint, as if fully set forth at length herein.

104. Defendant denies the allegations contained in Paragraph 104 of the Complaint.

105. Defendant makes no response to the allegations contained in Paragraph 105, as those allegations are not directed to her. To the extent that said allegations may be construed to be directed to her, such allegations are denied.

106. Defendant denies the allegations contained in Paragraph 106 of the Complaint.

### **SEPARATE DEFENSES**

#### **FIRST SEPARATE DEFENSE**

Plaintiffs are guilty of comparative negligence which negligence is greater than that of Defendant, and Plaintiffs are therefore barred from recovery.

#### **SECOND SEPARATE DEFENSE**

The Plaintiffs are barred by provisions of the applicable Statute of Limitations.

#### **THIRD SEPARATE DEFENSE**

The Plaintiffs fail to state a claim against the Defendant upon which relief may be granted.

#### **FOURTH SEPARATE DEFENSE**

The Plaintiffs are barred by virtue of the Doctrine of Estoppel, the Doctrine of Laches and the Doctrine of Waiver.

#### **FIFTH SEPARATE DEFENSE**

The Plaintiffs' Complaint is barred by the Doctrine of Unforeseeability.

#### **SIXTH SEPARATE DEFENSE**

The Defendant had no duty to the Plaintiffs at the times and places referred to in the Complaint.

**SEVENTH SEPARATE DEFENSE**

Plaintiffs' causes of action are barred by N.J.S. 2A:62a-6.

**EIGHTH SEPARATE DEFENSE**

Defendant denies she is guilty of any negligence that was the proximate or producing cause of any injuries, losses or damages alleged to have been sustained by Plaintiffs.

**NINTH SEPARATE DEFENSE**

Defendant reserves the right to rely on any affirmative or separate defenses pled by any other party hereto and otherwise pleaded herein, except to the extent that such defenses attempt to impose responsibility or liability upon the Defendant.

**TENTH SEPARATE DEFENSE**

Plaintiffs' Complaint is barred due to the Court's lack jurisdiction over the Defendant.

**ELEVENTH SEPARATE DEFENSE**

Defendant violated no duty due and owing to the Plaintiffs.

**TWELFTH SEPARATE DEFENSE**

The Plaintiffs' Complaint is barred by virtue of their failure to mitigate damages.

**THIRTEENTH SEPARATE DEFENSE**

Any injuries, losses or damages alleged to have been sustained by the Plaintiffs were the act or omission of a third person or persons, instrumentality or agency over whom the Defendant had no control.

**FOURTEENTH SEPARATE DEFENSE**

Plaintiffs' Complaint is barred by improper venue.

**FIFTEENTH SEPARATE DEFENSE**

If it is proven that the Defendant was negligent, which allegations are hereby expressly denied, then Plaintiffs' claims are barred, controlled or limited by Plaintiffs' assumption of the risk.

**SIXTEENTH SEPARATE DEFENSE**

Plaintiffs' claims are barred pursuant to the Doctrine of Superseding and/or Intervening Cause.

**SEVENTEENTH SEPARATE DEFENSE**

Plaintiffs' claims are barred since Defendant has no actual or constructive notice of the alleged improper conduct by Defendant Mark Staropoli.

**EIGHTEENTH SEPARATE DEFENSE**

Plaintiffs' causes of action against the Defendant is barred by N.J.S. 2A:53A-7.1.

**NINETEENTH SEPARATE DEFENSE**

If the Plaintiffs suffered any injuries alleged, they were caused solely and primarily by Plaintiffs own consent, carelessness, recklessness, negligence and/or contributory negligence.

**TWENTYEETH SEPARATE DEFENSE**

Defendant reserves the right to interpose such other defenses as it may deem appropriate through continuing discovery of this matter.

**COUNTERCLAIMS AGAINST L.B.**

**COUNTERCLAIM AGAINST L.B. FOR NEGLIGENT SUPERVISION**

Defendant, by way of Counterclaim against L.B., allege and say:

1. As the father and sole guardian of the unemancipated minor A.B., L.B. was in the best position to know the limitations and capabilities of his own child.

2. As the father of A.B., L.B. had a duty to supervise A.B.'s activities to ensure her safety and well-being.

3. L.B. wantonly and recklessly disregarded his parental duty by repeatedly permitting his underage daughter to sleep at Mr. Staropoli's home for weeks at a time, unsupervised, beginning in the summer of 2002, when A.B. was only 13 years old, and continuing even after Mr. Staropoli was being investigated by a child welfare agency for criminal sexual assault on his daughter in August 2004.

4. L.B. wantonly and recklessly disregarded his parental duty by allowing Mr. Staropoli to pick up A.B. from his home in New Jersey and drive, unsupervised, to various locations where he had improper, sexual relations with his underage daughter.

5. L.B. wantonly and recklessly disregarded his parental duty by failing to supervise his daughter in his own home wherein Mr. Staropoli had improper sexual relations with A.B. on numerous occasions in 2004.

6. L.B.'s severe lack of parental supervision of his underage daughter rose to the level of willful and wanton misconduct.

7. Given L.B.'s severe lack of parental supervision, as well as the inordinate amount of time Mr. Staropoli was spending with his underage daughter, it was foreseeable, and L.B. should have known, that improper sexual relations were occurring between A.B. and Mr. Staropoli.

8. L.B.'s severe lack of parental supervision proximately cause the Plaintiffs' alleged financial, medical and psychological damages.

**WHEREFORE**, the Defendant demand:

- a. Judgment against Plaintiff L.B. for any and all damages alleged by Plaintiffs;

- b. Attorneys fees and costs; and
- c. Any other relief the Court may deem just and proper.

**COUNTERCLAIM AGAINST L.B. FOR CONTRIBUTION**

Defendant, by way of counterclaim for contribution against L.B., allege and say:

- 1. Defendant denies any and all legal liability and responsibility for the acts alleged in the Complaint.
- 2. If Defendant should be found liable to Plaintiffs, which liability is denied, Defendant asserts that L.B. is a joint tortfeasor with respect to any loss, liability or expense on account of Plaintiffs' demand for judgment.

**WHEREFORE**, Defendant demands judgment for contribution against L.B. herein pursuant to and in accordance with the provisions of the Joint Tortfeasors Act, N.J.S.A. 2A:53A-1 et seq. and the New Jersey Comparative Negligence Act, N.J.S.A. 2A:15-5.1 et seq.

**COUNTERCLAIM AGAINST L.B. FOR INDEMNIFICATION**

Defendant, by way of crossclaim for indemnification against L.B., allege and say:

- 1. Defendant denies any and all legal liability and responsibility for the acts alleged in the Complaint.
- 2. If Defendant should be found liable to Plaintiffs herein, which liability is denied, said liability will only be secondary, passive, technical, vicarious, or imputed and the liability of L.B. is active, direct and primary.

**WHEREFORE**, Defendant demands judgment against L.B. for indemnification in full with respect to any damages which may be recovered against the Defendant, by Plaintiffs herein together with interest and costs of suit.

## **CROSSCLAIMS**

### **CROSSCLAIM FOR CONTRIBUTION**

Defendant, by way of crossclaim for contribution against all co-defendants, allege and say:

1. Defendant denies any and all legal liability and responsibility for the acts alleged in the Complaint.

2. If Defendant should be found liable to Plaintiffs, which liability is denied, Defendant asserts that all co-defendants herein are joint tortfeasors with respect to any loss, liability or expense on account of Plaintiffs' demand for judgment.

**WHEREFORE**, Defendant demands judgment for contribution against all co-defendants herein pursuant to and in accordance with the provisions of the Joint Tortfeasors Act, N.J.S.A. 2A:53A-1 et seq. and the New Jersey Comparative Negligence Act, N.J.S.A. 2A:15-5.1 et seq.

### **CROSSCLAIM FOR INDEMNIFICATION**

Defendant, by way of crossclaim for indemnification against all co-defendants, allege and say:

1. Defendant denies any and all legal liability and responsibility for the acts alleged in the Complaint.

2. If Defendant should be found liable to Plaintiffs herein, which liability is denied, said liability will only be secondary, passive, technical, vicarious, or imputed and the liability of all co-defendants herein named or to be named in the future is active, direct and primary.

**WHEREFORE**, Defendant demands judgment against co-defendants herein now named or which may be named in the future for indemnification in full with respect to any damages

which may be recovered against the Defendant, by Plaintiffs herein together with interest and costs of suit.

**DEMAND FOR STATEMENT OF DAMAGES**

Defendant demands that Plaintiffs furnish a written statement and itemization of the amount of damages they claim in this lawsuit within five days of the date hereof.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Defendant hereby demands a trial by jury to all matters pleaded so triable in this matter.

**DESIGNATION OF TRIAL COUNSEL**

Jack T. Spinella, Esq. is hereby designated as trial counsel.

**CERTIFICATION OF NO OTHER PENDING ACTION OR ARBITRATION**

Pursuant to L. Civ. R. 11.2, I hereby certify that, to the best of my knowledge, the matter in controversy is not the subject of any other pending or contemplated action or arbitration proceeding, other than the criminal actions entitled The People of the State of New York v. Mark Staropoli, Indictment No.: 2055-33 and the State of New Jersey v. Mark Staropoli, Indictment No.: 05-000093. In addition, I am unaware of any additional or indispensable parties who should be joined in this action at this time.

NICOLL DAVIS & SPINELLA LLP  
Attorneys for Defendant

By: /s/ Jack T. Spinella  
Jack T. Spinella

Dated: March 17, 2008

**CERTIFICATION OF ELECTRONIC FILING AND MAILING**

I, Jack T. Spinella, the undersigned, certify that a true copy of the within Answer to the Complaint and Civil Cover Sheet was electronically filed with the United States District Court, District of New Jersey in Trenton, New Jersey on this date and I did cause to be served a true and correct copy of Defendant's Answer via electronic filing on:

Michael R. Ascher, Esq.  
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Attorneys for Robert Walkley

Susan Karlovich, Esq.  
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33 Washington St., 18<sup>th</sup> Fl.  
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Attorneys for Defendants,  
Clarkstown Soccer Club, Board Members  
And Employees of the Clarkstown Soccer Club  
Nicholas Arcuri and Margaret Turrin

Alan S. Goldberger, Esq.  
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Clifton, New Jersey 07015  
Attorneys for Robert Walkley & Direct  
Kick Soccer

NICOLL DAVIS & SPINELLA LLP  
Attorneys for Defendant

By: /s/ Jack T. Spinella  
Jack T. Spinella

Dated: March 17, 2008



**NICOLL DAVIS & SPINELLA LLP**  
ATTORNEYS AT LAW

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250 PARK AVENUE  
SUITE 1500  
NEW YORK, N.Y. 10177  
TEL: (212) 972-0786  
FAX: (212) 953-7201

April 4, 2008

**ELECTRONICALLY FILE**

Honorable Patty Shwartz, U.S.M.J.  
United States Magistrate Judge  
United States District Court for the  
District of New Jersey  
M.L. King, Jr. Federal Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

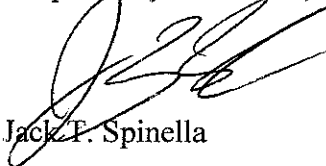
**Re: A.B. and L.B., individually v. Mark Staropoli, Paula Staropoli, et als.**  
**Civil Action No. 2:07-cv-6077**

Dear Judge Shwartz:

This office represents defendant, Paula Staropoli ("Defendant") in the above-referenced matter. Defendant, having already raised the affirmative defense of personal jurisdiction in her answer dated March 17, 2008 hereby requests permission to file a motion pursuant to Fed. R. Civ. P. 12(b)(2) to dismiss the plaintiffs' Complaint against Paula Staropoli for lack of personal jurisdiction over Defendant and for such other further relief as the Court deems just and proper. The basis of Defendant's motion is that she is a resident of New York and that the facts of this matter do not support a finding of either specific or general jurisdiction for the Court to exercise personal jurisdiction over her.

The latest day to file the referenced motion to meet the next scheduled return date is April 11, 2008, and therefore this firm respectfully requests a telephone conference prior to April 11<sup>th</sup> in order to meet the next available return date for this motion. Should you have any questions or need any additional information, please do not hesitate to contact me.

Respectfully Submitted,



Jack F. Spinella

JTS:jfd

cc: Michael R. Ascher, Esq. (via electronic file)  
Susan Karlovich, Esq. (via electronic file)  
Alan S. Goldberger, Esq. (via electronic file)

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FAX: (212) 953-7201

April 10, 2008

**ELECTRONICALLY FILE**

Honorable Patty Shwartz, U.S.M.J.  
United States Magistrate Judge  
United States District Court for the  
District of New Jersey  
M.L. King, Jr. Federal Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: A.B. and L.B., individually v. Mark Staropoli, Paula Staropoli, et als.**  
**Civil Action No. 2:07-cv-6077**

Dear Judge Shwartz:

This firm represents Defendant, Paula Staropoli in the referenced matter. On Friday, April 4, 2008, Your Honor's Clerk informed me that our previous request for permission to file a Motion to Dismiss based on lack of personal jurisdiction would be discussed at the Rule 16 Conference scheduled on April 17, 2008. I was then asked to relay this information to all counsel of record and ask if the other counsel had any objections to proceeding with the Rule 16 Conference without every party having filed an Answer.

Yesterday, I was able to speak to all counsel of record regarding this issue. All counsel stated they had no objections to proceeding with the Rule 16 Conference without Mark Staropoli having filed an answer. However, Susan Karlovich, Esq., Alan Goldberger, Esq., and I have concerns of the usefulness of the Rule 16 Conference without the attendance or participation of Mark Staropoli and the possibility of his subsequent appearance in this action.

I was glad to be of assistance in this matter. Should you have any questions, or need any additional information, please do not hesitate to contact me.

Respectfully,



Steven C. DePalma

SCD:jfd

cc: All Counsel of Record (via ECF)

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 A PROFESSIONAL CORPORATION

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- ♦ FELLOW AMERICAN ACADEMY  
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- ♦ CERTIFIED BY THE SUPREME  
 COURT OF NEW JERSEY AS A  
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 CIVIL TRIAL ATTORNEY
- ▲ CERTIFIED BY THE SUPREME  
 COURT OF NEW JERSEY AS A  
 WORKERS' COMPENSATION  
 ATTORNEY

Robert J. Cece (1966-2003)

- \* Also Member of PA Bar
- ‡ Also Member of NY Bar
- ♦ Also Member of DC Bar
- ▼ LLM in Taxation

April 11, 2008

**ELECTRONIC FILE**

Honorable Patty Shwartz  
 U.S. Magistrate Judge  
 United States District Court,  
 District of New Jersey Newark  
 Frank R. Lautenberg U.S.  
 P.O. & Cthse. Bldg, Room 477  
 P.O. Box 999  
 Newark, NJ 07101

**RE: A.B. et al v. Mark Staropoli, et al**  
**Civil Action NO. 07-6077 (KSH)**

My Dear Judge Shwartz:

I acknowledge receipt of correspondence from counsel for defendant Paula Staropoli. The correspondence raises the joint concern of Mr. DePalma, defense counsel, regarding the absence of an Answer from Mark Staropoli. It is my understanding that Mr. Staropoli has been incarcerated as a result of a conviction for criminal offenses arising from the same subject matter of the suit before the Court. Mr. Staropoli is also awaiting sentencing upon a New Jersey indictment, which also arises from related acts against the Plaintiff, A.B.

If my adversaries have reservations regarding the usefulness of the Rule 16 conference, I would respectfully suggest that a telephone conference be established to discuss Mr. Staropoli's present "absence" from the case.

April 11, 2008  
Page 2

I thank Your Honor for the Court's consideration of this correspondence. If Your Honor feels that a telephone phone conference would be appropriate, my office will arrange the conference on a date and time scheduled by the Court.

Very truly yours,

Einhorn, Harris, Ascher,  
Barbarito & Frost, P.C.

*Bonnie C. Frost*

By

*MA*  
Michael R. Ascher

MRA:ems

cc: A.B. & L.B.  
Alan S. Goldberg, Esq.  
Joseph S. Accardi, Esq.  
Jack T. Spinella, Esq.  
Susan Karlovich, Esq.



status of the case, and the client's position on settlement. Trial Counsel and clients with full settlement authority must attend the conference. If the trial counsel **and** client with full settlement authority do not appear, the settlement conference may be cancelled or rescheduled and the noncompliant party and/or attorney may be sanctioned, which may include an assessment of the costs and expenses incurred by those parties who appeared as directed.

3. A final pretrial conference shall be conducted pursuant to Fed. R. Civ. P. 16(d) on **February 18, 2009 at 10:00 a.m.** The Final Pretrial Conference will occur even if there are dispositive motions pending. The Court will adjourn the Final Pretrial conference only if the requesting party makes a compelling showing that manifest injustice would otherwise result absent adjournment.

## II. DISCOVERY AND MOTION PRACTICE

4. Fed. R. Civ. P. 26 disclosures are to be exchanged on or before **April 30, 2008.**

5. Discovery necessary to engage in meaningful settlement discussions: **to be determined.**

6. The parties may serve interrogatories limited to **25** single questions including subparts and requests for production of documents on or before **May 16, 2008**, which shall be responded to no later than **June 16, 2008.**

7. The number of depositions to be taken by each side shall not exceed **10**. No objections to questions posed at depositions shall be made other than as to lack of foundation, form or privilege. See Fed. R. Civ. P. 32(d) (3) (A). No instruction not to answer shall be given unless a privilege is implicated. The depositions shall be completed no later than **December 31, 2008.**

8. Fact discovery is to remain open through **December 31, 2008.** No discovery is to be issued or engaged in beyond that date, except upon application and for good cause shown.

9. Counsel shall confer in a good faith attempt to informally resolve any discovery disputes before seeking the Court's intervention. Should such informal effort fail to resolve the dispute, the matter shall be brought to the Court's attention via a joint letter that sets forth: (a) the request, (b) the response; (c) efforts to resolve the dispute; (d) why the complaining party believes the information is relevant and why the responding party's response continues to be deficient; and (e) why the responding party believes the response is sufficient. No further submissions regarding the dispute may be submitted without leave of Court. If necessary, the Court will thereafter schedule a telephone conference to resolve the dispute.

No discovery motion or motion for sanctions for failure to provide discovery shall be made before utilizing the procedures set forth in these paragraphs without prior leave of Court.

Any unresolved discovery disputes (other than those that arise during depositions) must be brought before the Court no later than **August 15, 2008** and the Court will not entertain applications concerning discovery matters, informally or otherwise, after this date.

10. Without opposition, the plaintiff shall file an Amended Complaint no later than **April 30, 2008**.

11 All dispositive motions shall be discussed in advance of filing with the undersigned either in person or by teleconference.

If leave is granted to file a summary judgment motion, the following protocol shall apply:

a. Each motion for summary judgment shall be supported by a separate, short, and concise statement of material facts, set forth in numbered paragraphs, as to which the moving party contends there is no genuine issue of material fact to be tried. Each fact asserted in the statement shall be supported by a record citation. A “record citation” is a citation to a specific page or paragraph of identified record material supporting the assertion.

b. Each response in opposition shall be accompanied by a separate, short, and concise statement of material facts. The opposing statement shall admit, deny or qualify the facts by reference to each numbered paragraph of the moving party’s statement of material facts and unless a fact is admitted, shall support each denial or qualification by a record citation. The opposing statement may contain in a separate section additional facts, set forth in separate numbered paragraphs and supported by a record citation.

c. In the event a party seeks to submit a reply, the party shall file a formal request for permission to do so within the time period provided by Local Rule, attaching the proposed reply. Accompanying the proposed reply shall be a separate, short, and concise statement of material facts which shall be limited to any additional facts submitted by the opposing party. The reply statement shall admit, deny or qualify such additional facts by reference to the numbered paragraphs of the opposing party’s statement of material facts, and unless a fact is admitted, shall support each denial or qualification by a record citation.

d. Facts contained in a supporting or opposing statement of material facts, if supported by record citations, shall be deemed admitted unless properly controverted. The Court may disregard any statement of fact not supported by a specific citation to record material properly considered on summary judgment. The Court shall have no independent duty to search or consider any part of the record not specifically referenced in the parties’ separate statement of facts.

e. Local Rules governing electronic filing and length, font-size, and format of moving, opposing and reply briefs shall continue to apply as appropriate. Parties shall provide the Court with two hard copies of all submissions by delivering same to the Clerk’s Office, Attention Judge Katharine Hayden.

### **III. EXPERTS**

12. All affirmative expert reports shall be delivered by **November 30, 2008**.

13. All responding expert reports shall be delivered by **January 15, 2009**.

14. a. All expert reports are to be in the form and content as required by Fed. R. Civ. P. 26(a) (2)(B). No expert shall testify at trial as to any opinions or base those opinions on facts not substantially disclosed in the experts report.



- b. All expert depositions shall be completed by **January 31, 2009**.

#### **IV. FINAL PRETRIAL CONFERENCE**

15. A final pretrial conference shall be conducted pursuant to Fed. R. Civ. P. 16(d) on **February 18, 2009 at 10:00 a.m.** The Final Pretrial Conference will occur even if there are dispositive motions pending. The Court will adjourn the Final Pretrial conference only if the requesting party makes a compelling showing that manifest injustice would otherwise result absent adjournment.

16. Not later than **20 working days** before the pretrial conference, the parties shall exchange copies of all proposed trial exhibits. Each exhibit shall be pre-marked with an exhibit number conforming to the party's exhibit list.

17. All counsel are directed to assemble at the office of Plaintiff's counsel not later than **ten (10) days** before the pretrial conference to prepare the proposed Joint Final Pretrial Order in the form and content required by the Court. Plaintiff's counsel shall prepare the Joint Pretrial Order and shall submit it to all other counsel for approval and execution.

18. With respect to non-jury trials, each party shall submit to the District Judge and to opposing counsel proposed Findings of Fact and Conclusions of Law, trial briefs and any hypothetical questions to be put to an expert witness on direct examination.

19. The original joint proposed final pretrial order shall be delivered to the CHAMBERS of the undersigned no later than **February 14, 2009**. All counsel are responsible for the timely submission of the Order.

20. The Court expects to engage in meaningful settlement discussions at the final pretrial conference. Therefore, trial counsel who actually has full settlement authority must attend the conference and clients or other persons with full settlement authority must be available by telephone.

#### **V. MISCELLANEOUS**

21. The Court may from time to time schedule conferences as may be required, either sua sponte or at the request of a party.

22. Since all dates set forth herein are established with the assistance and knowledge of counsel, there will be no extensions except for good cause shown and by leave of Court, even with consent of all counsel.

23. A copy of every pleading, document or written communication with the Court shall be served on all other parties to the action. Any such communication which does not recite or contain a certification of such service may be disregarded by the Court.

24. Communications to the Court by facsimile will not be accepted. All communications to the Court shall be in writing or by telephone conference.

25. **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN SANCTIONS.**



s/Patty Shwartz

**UNITED STATES MAGISTRATE JUDGE**

EINHORN, HARRIS, ASCHER, BARBARITO & FROST  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
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(973) 627-7300  
Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

A.B. and L.B., individually,

Plaintiffs,

v.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS & EMPLOYEES OF THE  
CLARKSTOWN SOCCER CLUB, NICHOLAS  
ARCURI, MARGARET TURRIN, DIRECT KICK  
SOCCER, ROBERT WALKLEY, JOHN DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), JANE  
DOES 1 through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names for  
the persons, partnerships and/or corporations  
intended).

Defendants.

CASE NO.: 2:07-cv-6077-KSH-PS

**ORDER TRANSFERRING CASE TO  
THE SOUTHERN DISTRICT OF  
NEW YORK**

**THIS MATTER** being brought before the Court upon the Application of Michael R.  
Ascher, Esquire, attorney for Plaintiffs, A.B. and L.B., individually, for an Order transferring this  
matter to the Southern District of New York, and counsel for all Defendants having consented on

the record at the Rule 16 Conference on April 17, 2008, and the Court having considered this matter, and for good cause appearing;

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2008

**ORDERED** that pursuant to 28 U.S.C.A. 1406(a) and 28 U.S.C.A. 1631, this matter be transferred to the United States District Court for the Southern District of New York; and it is

**FURTHER ORDERED** that pursuant to the Rule 16 Conference on April 17, 2008, Defendants, PAULA STAROPOLI, CLARKSTOWN SOCCER CLUB, BOARD MEMBERS OF EMPLOYEES OF THE CLARKSTOWN SOCCER CLUB, NICHOLAS ARCURI, MARGARET TURRIN, DIRECT KICK SOCCER and ROBERT WALKLEY consent to the transfer and waive any and all objections to and defenses related to venue and personal jurisdiction; and it is

**FURTHER ORDERED** that a copy of this Order be served upon all counsel of record within \_\_\_\_\_ days of the date hereof.

\_\_\_\_\_  
HON. PATTY SHWARTZ, U.S.M.J.

EINHORN, HARRIS, ASCHER, BARBARITO, FROST & IRONSON  
 A Professional Corporation  
 165 E. Main Street  
 P.O. Box 3010  
 Denville, New Jersey 07834-3010  
 (973) 627-7300  
 Attorneys for Plaintiff

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually,	)	
	)	Docket No. 2:07-cv-6007
Plaintiffs,	)	
	)	Civil Action
vs.	)	AMENDED
	)	COMPLAINT AND DEMAND FOR
	)	JURY TRIAL
MARK STAROPOLI, PAULA	)	
STAROPOLI, CLARKSTOWN SOCCER	)	
CLUB, BOARD MEMBERS OF	)	
EMPLOYEES OF THE CLARKSTOWN	)	
SOCCER CLUB, NICHOLAS ARCURI,	)	
MARGARET TURRIN, DIRECT KICK	)	
SOCCER, ROBERT Walkley, JOHN	)	
DOES 1 through 5 (fictitious	)	
names for the persons,	)	
partnerships and/or	)	
corporations intended), JANE	)	
DOES 1 through 5 (fictitious	)	
names for the persons,	)	
partnerships and/or	)	
corporations intended), and	)	
RICHARD ROES 1 through 5	)	
(fictitious names for the	)	
persons, partnerships and/or	)	
corporations intended),	)	
	)	
Defendants.	)	

Plaintiffs, A.B. and L.B., individually, and as Guardian Ad  
Litem of A.B. residing in the Township of Randolph, County of

Morris, and State of New Jersey, by way of Complaint against the defendants, state and allege the following:

STATEMENT OF THE PARTIES

1. Plaintiff, A.B., is a natural person residing in Township of Randolph, County of Morris and State of New Jersey and was a minor at all times mentioned herein. Pursuant to Federal Rule of Civil Procedure 5-2(a), plaintiff has included only her initials.
2. Plaintiff, L.B. is natural person and the father of A.B. residing in the Township of Randolph, County of Morris and State of New Jersey and is the father of A.B.
3. Defendant, Mark Staropoli, is a natural person residing at 800 Bradley Park Way, Blauvelt, New York and was the coach of an elite soccer team based in Clarkstown, New York.
4. Defendant, Paula Staropoli, is a natural person residing at 800 Bradley Park Way, Blauvelt, New York and is the wife of Mark Staropoli.
5. Defendant, Clarkstown Soccer Club was the entity responsible for the operation of the elite soccer team which recruited plaintiff, A.B., and employed defendant, Staropoli, as its coach.
6. Defendant, Board of Directors of the Clarkstown Soccer Club was the body and responsible for the operation of Clarkstown Soccer Club which oversaw the conduct of defendant Mark Staropoli.
7. Defendant Nicholas Arcuri residing at 26 Eldor Avenue, New City, New York, was the president of the Clarkstown Soccer Club

and was involved in the hiring and supervision of defendant, Mark Staropoli.

8. Defendant Margaret Turrin residing at 2 Preakness Lane, New City, New York was the assistant coach of the Clarkstown Soccer Club and the teams tournament coordinator and was responsible for supervising activities of members of the Clarkstown Soccer Club team.

9. Defendant Direct Kick Soccer located at 72 Roosevelt Avenue, Red River, New York is an entity conducting soccer related activities and which sponsored a trip to Europe as attended by plaintiff A.B. and defendants, Mark Staropoli, Paula Staropoli and Margaret Turrin.

10. Defendant Robert Walkley residing at 72 Roosevelt Avenue, Cold River, New York is the principal and director of Direct Kick Soccer who was responsible for the planning, and supervision of the Clarkstown Soccer Club Team when it traveled to Europe in 2004.

11. Defendants John Does 1 through 5 are fictitious individuals and unknown members of the Board of Directors of the Clarkstown Soccer Club whom may have been involved in the hiring and supervision of defendant, Mark Staropoli, and therefore liable to plaintiff.

12. Defendants Jane Does 1 through 5 are fictitious individuals and unknown members of the Board of Directors of the Clarkstown Soccer Club whom may have been involved in the hiring

and supervision of defendant, Mark Staropoli, and therefore liable to plaintiff.

13. Defendants Richard Roes 1 through 5 are fictitious partnerships and/or corporations which are presently unknown entities that stood in loco parentis to plaintiff A.B. and are responsible for the tortious acts of defendant, Mark Staropoli.

#### STATEMENT OF JURISDICTION

14. Pursuant to 28 U.S.C. §1391(a), this Court has original jurisdiction pursuant to the provisions of 28 U.S.C. 1332(a)(1), the claims herein alleged against defendants who are all citizens of States different from the State in which the plaintiff enjoys citizenship.

15. The amount in controversy exceeds \$75,000.00.

#### STATEMENT OF VENUE

16. The venue of within case properly lies in the Southern District of New York in which defendants resided, traveled, and/or engaged in conduct with plaintiff and where a substantial number of the acts and events averred occurred.

#### STATEMENT OF FACTS

17. A.B. was a minor and proficient soccer player who was recruited by defendant, Mark Staropoli and the Clarkstown Soccer Club (hereinafter the "Soccer Club") in the fall of 2001, when A.B. was 12 years of age.

18. At the time of the recruitment by defendant, Mark Staropoli and the Soccer Club, plaintiff A.B. resided with her father in the Township of Rockaway, Morris County, New Jersey.

SEXUAL ACTS OCCURRING IN THE STATE OF NEW YORK

19. In the summer of 2002, defendant, Mark Staropoli, invited A.B. to participate in a soccer camp that he coached at Old Tappan High School, Old Tappan, County of Bergen, New Jersey.

20. Plaintiff A.B. declined the offer due to the travel distance involved, but defendant Mark Staropoli insisted and offered to have A.B. to stay at his house located at 800 Brady Parkway, Belleville, New York.

21. A.B. stayed at the Staropoli home occupied by defendants Mark Staropoli, Paula Staropoli, for a two week period.

22. During that two week period, defendant Mark Staropoli went to plaintiff's A.B. room and groomed her for further sexual activity by massaging her, making her feel comfortable and accepted into his family.

23. In the fall of 2003, when plaintiff A.B. was 15 years of age, she played on both her high school team and a soccer team coached by defendant Mark Staropoli. The evening training session for that world class soccer team were conducted in Bergen County, New Jersey.

24. During 2003, plaintiff A.B. visited the Staropoli home. On one particular occasion when all other members of the Staropoli



household went to bed, defendant Mark Staropoli massaged A.B.'s legs with his hand and touched her vagina.

25. During the period December 25, 2003 through March 2004, plaintiff A.B. frequently visited the Staropoli household on weekends. During this period of time, defendant Mark Staropoli sexually assaulted plaintiff A.B., by having her commit fellatio upon him and by digitally penetrating her vagina.

26. At the time of the sexual assaults by defendant Mark Staropoli, he was aware of the prior death of plaintiff A.B.'s mother and the resulting emotional vulnerability.

27. Defendant Mark Staropoli continued to groom plaintiff for sexual conduct by treating her differently than other players on the soccer team coached by him.

28. During the period March 2004 until June 2004, plaintiff A.B. continued to visit the Staropoli household on weekends. During this time, the defendant Mark Staropoli continued to sexually assault plaintiff A.B. by engaging in both oral sex and digital penetration.

29. During the weekend of June 25, 2004, defendant Mark Staropoli instructed plaintiff A.B. to come into his marital bedroom, and sexually assaulted plaintiff by performing cunnilingus and engaging in sexual intercourse with the then 16 year old plaintiff.

30. After the June 25, 2004, plaintiff and defendant Mark Staropoli began to call each other on their cell phones several

times a day and they e-mailed each other. The e-mails became sexually explicit.

31. During this period of time defendant Mark Staropoli also promised to help plaintiff A.B. secure a soccer scholarship to college.

32. On August 3, 2004, an investigation was begun into the relationship of defendant Mark Staropoli and plaintiff as a result of information transmitted by a child welfare agency in Tappen, New York.

33. Plaintiff L.B., was notified of the referral and the investigation and informed defendant Mark Staropoli of it.

34. Defendant Mark Staropoli then telephoned plaintiff A.B. and instructed her to deny the fact of their sexual relationship. As a result, plaintiff denied any involvement with the defendant.

35. Plaintiff A.B. lied about the relationship as defendant Mark Staropoli had instructed her and because the defendant Mark Staropoli had psychologically groomed and manipulated her.

36. The Complaint and referral were deemed unfounded and thereafter, plaintiff A.B. and defendant Mark Staropoli telephoned each other and continued to e-mail and send instant messages to each other almost on a daily basis.

37. During the month of August 2004, plaintiff A.B. stayed at defendant's house for approximately 1 week. During that period of time, defendant sexually assaulted plaintiff A.B., by having her

commit fellatio upon him and digitally penetrating her with his fingers.

38. During the weekend of October 9, 2004 while at his home, defendant Mark Staropoli committed an act of sexual assault upon plaintiff A.B. by digitally penetrating her vagina and engaging in fellatio and cunnilingus with each other. Defendant Mark Staropoli had sexual intercourse with plaintiff in the basement of his house during that same weekend.

39. During the last weekend of October 2004, plaintiff A.B. again visited defendant's home and defendant Mark Staropoli sexually assaulted plaintiff by engaging in sexual intercourse with her, performing cunnilingus upon her and digitally penetrating her.

40. During the weekend of November 14, 2004 while at his home, defendant Mark Staropoli had sexual intercourse with plaintiff in the basement of his house and sexually assaulted her by having her perform fellatio upon him and digitally penetrating her vagina.

41. During the weekend of November 20, 2004 while at his home, defendant Mark Staropoli again sexually assaulted plaintiff by engaging in sexual intercourse with her and having her perform fellatio upon and thereafter penetrating her with his fingers.

42. On two other occasions during November 2004, the defendant Mark Staropoli picked up plaintiff A.B. in New Jersey and took a detour to Hook Mountain in New York State. While at that

location, he sexually assaulted plaintiff by performing cunnilingus upon her and having her commit fellatio upon him.

**SEXUAL ACTS OCCURRING IN THE STATE OF NEW JERSEY**

43. The following day, plaintiff A.B., defendant Mark Staropoli and his daughter drove to a New Jersey shore location. Upon the trip home from the New Jersey shore, defendant Mark Staropoli committed an act of digital penetration upon plaintiff A.B.

44. During August 2004, defendant Mark Staropoli and his daughter visited plaintiff's residence. During that visit, defendant Mark Staropoli sexually assaulted plaintiff A.B. by committing an act of digital penetration and by having plaintiff A.B. commit an act of fellatio upon him.

45. On various and diverse dates in 2004, defendant Mark Staropoli would sexually assault plaintiff A.B. committing acts of digital penetration, after defendant picked up plaintiff A.B. at her home and during the ride back to his home. These acts occurred on Route 287 in New Jersey.

46. During October of 2004, on one occasion, defendant Mark Staropoli pick up plaintiff A.B. from her home and began to drive back to New York State. On the way, he left Route 287 and went to Ramapo College located in Bergen County. He took plaintiff A.B. to a wooded area and sexually assaulted her by engaging in vaginal intercourse.

47. On another occasion in November 2004, defendant, Mark Staropoli again picked up plaintiff A.B. in New Jersey then drove to a restaurant in New Jersey where he and plaintiff performed oral sex on each other and defendant Mark Staropoli digitally penetrated her.

48. In June 2004, defendant Mark Staropoli and his daughter visited plaintiff and her family at their home in Randolph, New Jersey. On the first night of the visit, defendant Mark Staropoli sexually assaulted A.B. by engaging in fellatio and vaginal intercourse with her.

49. On January 4, 2005, a second investigation of defendant Mark Staropoli's sexual assault upon plaintiff was commenced by the Morris County Prosecutor's Office, Morristown, New Jersey.

50. Plaintiff A.B. was advised of the investigation by plaintiff L.B., and she then telephoned defendant to inform him.

51. Upon being told of the investigation, defendant became enraged and instructed plaintiff not to say anything. As a result, plaintiff initially denied her involvement. Plaintiff A.B. then stated that defendant had sexually assaulted her, but that it only occurred on two occasions in October and December 2004.

52. Plaintiff did not initially divulge the true extent of the sexual assault because defendant had groomed her to protect him and he had specifically instructed her not to divulge their relationship.

53. Thereafter, the plaintiff A.B. divulged the entire nature of her relationship with Mark Staropoli involving the sexual assaults committed by defendant Mark Staropoli upon her.

54. During the month of January 2005, telephone conversations between plaintiff, A.B. and defendant Mark Staropoli were recorded with the consent of plaintiff L.B. During those conversations, defendant Mark Staropoli instructed plaintiff A.B. to continue to deny the nature of their relationship.

55. Thereafter, a continuing joint police investigation was conducted by members of the Rockaway, New Jersey Township Police Department, Clarkstown, New York Police.

**SEXUAL ACTS OCCURRING IN OTHER STATES**

56. In November 2004, plaintiff A.B. and defendant Mark Staropoli attended a soccer tournament in Newark, Delaware. While in Delaware, defendant Mark Staropoli sexually assaulted plaintiff A.B., forcing her to performing acts of fellatio upon him and engaging in other sexual acts upon her.

57. During December 2004, defendant Mark Staropoli again sexually assaulted plaintiff by engaging in oral sex with her and engaging in sexual intercourse and penetrating her. Plaintiff A.B. accompanied defendant Mark and Paula Staropoli and the rest of the family on a ski trip to Massachusetts.

**SEXUAL ACTS OCCURRING OUTSIDE OF UNITED STATES**

58. During the summer of 2004, plaintiff A.B. traveled with the defendant Clarkstown soccer team which was coached and



chaperoned by defendant Mark Staropoli. Defendant Paula Staropoli also chaperoned the team and was present during that trip. Defendant Mark Staropoli committed various acts of sexual assault upon plaintiff A.B. in the United Kingdom and Holland.

### LEGAL ALLEGATIONS

#### FIRST CAUSE OF ACTION

59. Plaintiffs hereby incorporate paragraph 1 through 58 into this First Cause of Action.

60. On diverse dates between 2003 and 2005, defendant Mark Staropoli sexually assaulted plaintiff A.B., a minor incapable of consent, by coercing her into performing fellatio, cunnilingus, digital penetration and vaginal intercourse.

61. At all times when committing these acts, defendant Mark Staropoli stood in loco parentis to plaintiff A.B.

62. As a result of the continued course of sexual acts performed upon her, the plaintiff sustained physical, psychiatric, psychological bodily and mental injuries.

63. Plaintiff A.B. has suffered, now suffers and will continue to suffer from severe psychological disorders, as a direct and proximate cause of defendant Mark Staropoli's conduct.

64. The conduct of defendant Mark Staropoli was intentional.

65. As a direct and proximate result of defendant Mark Staropoli's conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendant Mark Staropoli awarding compensatory damages.
- b. Judgment against the defendant Mark Staropoli awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

**SECOND CAUSE OF ACTION**

66. The plaintiffs repeat and reiterate each and every allegation set forth in the First Cause of Action as if set forth at length herein.

67. Defendant Mark Staropoli engaged in sexual assault upon plaintiff A.B. during her teenage years and committed said acts with reckless and wanton disregard of the affect upon the minor plaintiff A.B.

68. Defendant Mark Staropoli's acts were so outrageous in character, extreme and egregious as to go beyond all bounds of decency.

69. The acts of sexual assault and defendant's efforts to control plaintiff and keep her from acknowledging the existence of the assaults caused emotional, psychological and psychiatric distress to the plaintiff which was so severe that no reasonable person could be expected to endure it.



70. The emotional, psychological and psychiatric distress endured by the plaintiff was so substantial that it resulted in physical ailments and serious psychological symptomology.

71. The defendant Mark Staropoli's acts as averred were the direct cause of the injuries sustained and endured by plaintiff, A.B.

72. As a direct and proximate result of defendant Mark Staropoli's conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendant awarding compensatory damages.
- b. Judgment against the defendant awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

### THIRD CAUSE OF ACTION

73. The plaintiffs repeat and reiterate each and every allegation set forth in the First and Second Causes of Action as if set forth at length herein.

74. Defendant Paula Staropoli is the wife of the defendant Mark Staropoli and was present during the times that plaintiff A.B. visited at the Staropoli residence. She stood in loco parentis to plaintiff A.B.

75. Defendant Paula Staropoli, knew or should have known of the relationship which existed between her husband, defendant Mark Staropoli and plaintiff A.B.

76. Defendant Paula Staropoli took no steps to protect plaintiff A.B. from the acts of her husband.

77. The failure of defendant Paula Staropoli to act to protect plaintiff was unreasonable and negligent.

78. As a result of Paula Staropoli's failure to act and protect plaintiff, A.B., she suffered and sustained significant bodily, emotional, psychological and psychiatric damage and injury which were the proximate result of Defendant Paula Staropoli's negligence.

79. As a direct and proximate result of defendant Mark Staropoli's conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- b. Judgment against the defendants awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

FOURTH CAUSE OF ACTION

80. The plaintiffs repeat and reiterate each and every allegation set forth in the First Through Third Causes of Action as if set forth at length herein.

81. During all times herein mentioned, the defendant Clarkstown Soccer Club (the "Club"), and members of the defendant Board of Directors, jointly and severally, stood in loco parentis to plaintiff A.B. and had a duty to protect her from sexual assault and abuse by defendant Mark Staropoli.

82. Defendant Mark Staropoli was at all times relevant hereto the employee, servant and/or agent of defendant Club and as such defendant Club is vicariously liable to plaintiff A.B. for the negligence, carelessness and recklessness of the defendant Mark Staropoli under a theory of respondent Superior.

83. Defendant Club and members of the defendant Board of Directors, defendants Nick Arcuri and Margaret Turrin, became aware of allegations against defendant Mark Staropoli involving sexual misconduct involving the plaintiff A.B.

84. Defendant Club, defendant Arcuri and members of its Board of Directors, defendant, Jane Does and John Does 1 through 5 and defendant employee Margaret Turrin failed to properly investigate or respond to the allegations about defendant Mark Staropoli's sexual conduct.

85. As a proximate result of the failure of the defendant Club and members of its Board of Directors to properly investigate

or respond to the allegations of sexual assault, plaintiff A.B. sustained bodily, medical, psychiatric and psychological injury wholly caused by their negligence.

86. As a direct and proximate result of the conduct of the defendant Clarkstown Soccer Club, members of its Board of Directors, defendant, Jane Does and John Does 1 through 5, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- a. Judgment against the defendants awarding punitive damages;
- b. Attorneys fees and costs; and
- c. Any other relief that the Court deems just and proper.

**FIFTH CAUSE OF ACTION**

87. The plaintiffs repeat and reiterate each and every allegation set forth in the First Through Fourth Causes of Action as if set forth at length herein.

88. Defendant Mark Staropoli was at all times relevant hereto the employee, servant and/or agent of defendant Club and as such defendant Club is vicariously liable to plaintiff A.B. for the negligence, carelessness and recklessness of the defendant Mark Staropoli under a theory of respondent Superior.

89. Defendant Club and members of defendant Board of Directors, including defendant Nick Arcuri and Margaret Turrin, and defendants John Doe 1 and Jane Does 1 and 2, (fictitious names for the persons, partnerships and/or corporations intended) failed to properly train and supervise defendant Mark Staropoli as required by law and the Charter of the Club and its National Association, the agreement by and between defendant Club and plaintiffs.

90. As a direct result of the failure of defendant Club and members of defendant Board of Directors to properly supervise and train defendant Mark Staropoli, plaintiff A.B. has sustained bodily, medical, psychological and psychiatric injury and damages.

91. As a direct and proximate result of defendant Mark Staropoli, defendant Club and members of defendant Board of Directors' conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- b. Judgment against the defendants awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

SIXTH CAUSE OF ACTION

92. The plaintiffs repeat and reiterate each and every allegation set forth in the First Through Fifth Causes of Action as if set forth at length herein.

93. As his daughter's sole guardian, plaintiff L.B. has sustained damages and incurred financial expenses in the treatment of his daughter's medical, psychiatric and psychological injuries.

94. The expenses incurred by L.B. on behalf of his daughter were all proximately caused by the acts of defendant Mark Staropoli, Paula Staropoli, the Clarkstown Soccer Club and Members of the Board of Directors, Nicholas Arcuri, Margaret Turrin, Direct Kick Soccer and Robert Walkley.

95. As a direct and proximate result of defendant Mark Staropoli, Paula Staropoli, the Club and Members of the Board of Directors' conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- b. Judgment against the defendants awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

SEVENTH CAUSE OF ACTION

96. The plaintiffs repeat and reiterate each and every allegation set forth in the First Through Sixth Causes of Action as if set forth at length herein.

97. The defendant Direct Kick Soccer and Robert Walkley, sponsored a tournament trip to Europe involving the defendant Club, which plaintiff A.B. and defendants Mark Staropoli, Paula Staropoli and Margaret Turrin attended.

98. Defendant Mark Staropoli was at all times relevant hereto the employee, servant and/or agent of defendant Direct Kick Soccer and as such defendant Direct Kick Soccer is vicariously liable to plaintiff A.B. for the negligence, carelessness and recklessness of the defendant Mark Staropoli under a theory of respondent Superior.

99. During all times hereinafter mentioned, both defendants Direct Kick Soccer and Robert Walkley stood in loco parentis to plaintiff A.B. and had a duty to protect her from sexual abuse and other unlawful conduct perpetrated by defendant Mark Staropoli.

100. Defendants Direct Kick Soccer and Robert Walkley failed to properly train and supervise defendant Mark Staropoli as required by law and the Charter of the Direct Kick Soccer Club, its national association and the agreement existing by and between defendant Direct Kick Soccer and plaintiffs A.B. and L.B.

101. As a direct result of the failure of defendants Direct Kick Soccer and Robert Walkley's failure to properly train and



supervise defendant Mark Staropoli, plaintiff A.B. sustained medical, psychological and psychiatric injury and damage.

102. As a direct and proximate result of the negligence of defendants Direct Kick Soccer and Robert Walkley, plaintiff A.B. and her father, plaintiff L.B., incurred financial costs and expenses including medical, psychological, psychiatric and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- b. Judgment against the defendants awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

#### EIGHTH CAUSE OF ACTION

103. The plaintiffs repeat and reiterate each and every allegation set forth in the First Through Seventh Causes of Action as if set forth at length herein.

104. The aforementioned acts committed by defendant, Mark Staropoli, Paul Staropoli, Clarkstown Soccer Club, Direct Kick Soccer, Robert Walkley, John Does 1 through 4 and Jane Does 1 through 4 were done with reckless and wanton disregard of the safety and well being of plaintiff A.B.

105. As a direct and proximate result of the conduct of the defendant Clarkstown Soccer Club and members of its Board of



Directors, the plaintiff, A.B., sustained bodily, medical, psychological and psychiatric injury and damage.

106. As a direct and proximate result of defendant Mark Staropoli, defendant Club and members of defendant Board of Directors' conduct, the plaintiff A.B. and her father, plaintiff L.B., incurred financial damages, including medical, psychological and other related expenses.

WHEREFORE, Plaintiff, A.B., demands the following:

- a. Judgment against the defendants awarding compensatory damages.
- b. Judgment against the defendants awarding punitive damages;
- c. Attorneys fees and costs; and
- d. Any other relief that the Court deems just and proper.

#### NINTH CAUSE OF ACTION

107. The plaintiffs repeat and reiterate each and every allegation set forth in the First Through Seventh Causes of Action as if set forth at length herein.

108. Defendant Mark Staropoli committed acts of sexual abuse as defined in N.J.S.A. 2A:61B-1, including acts of sexual penetration and contact upon A.B. when she was less than 18 years of age.

109. Defendant Paula Staropoli stood in loco parentis to A.B. and acquiesced or permitted the acts of sexual abuse committed by defendant Mark Staropoli as prohibited by N.J.S.A. 2A:61B-1

110. As a result of the acts and conduct of defendants Mark and Paul Staropoli, A.B. suffered and sustained significant physical, bodily, emotional, psychological and psychiatric injury and damage which were the proximate result of the defendants' acts.

111. As a direct and proximate result of the acts and conduct of these defendants, plaintiffs A.B. and L.B. incurred financial damages, including medical, psychological, psychiatric and other related expenses.

WHEREFORE, Plaintiffs, A.B. and L.B., demands the following:

- a. Judgment against the defendants awarding statutory damages pursuant to N.J.S.A. 2A:61B-1.
- b. Judgment against the defendants awarding actual damages;
- c. Attorneys fees and costs and cost of suit; and
- d. Any other relief that the Court deems just and proper.

EINHORN, HARRIS, ASCHER, BARBARITO,  
FROST & IRONSON, P.C.  
Attorneys for Plaintiffs

By 

Michael R. Ascher

Dated: April 29, 2008

JURY DEMAND

Pursuant to Federal Rules of Civil Procedure 38(b), Plaintiff requests a trial by jury on all issues involved.

EINHORN, HARRIS, ASCHER, BARBARITO,  
FROST & IRONSON, P.C.  
Attorneys for Plaintiffs

By 

Michael R. Ascher

Dated: April 29, 2008

CERTIFICATION PURSUANT TO L. CIV. R. 11.2

I certify that, to the best of my knowledge, this matter is not the subject of any other civil action pending in any Court or of any pending arbitration or administrative proceeding other than criminal matters in the States of New Jersey and New Jersey, respectively entitled The People of the State of New York v. Mark Staropoli, Indictment No: 2005-33 and in the State of New Jersey v. Mark Staropoli, Indictment No.: 05-000093.

\_\_\_\_\_  
Michael R. Ascher

Dated: April 29, 2008

CERTIFICATION OF ELECTRONIC FILING AND MAILING SERVICE

I, Melody L. Burke, hereby certify as follows:

1. I am a legal secretary at the law firm of Einhorn, Harris, Ascher, Barbarito, & Frost, P.C., attorneys for the Plaintiffs in the above captioned matter.

2. I certify that a true copy of the within Amended Complaint and Demand For Jury Trial, was filed electronically filed with the United States District Court, District of New Jersey in Trenton, New Jersey on this date and that copies were also delivered via regular mail to known counsel at their respective office addresses as follows:

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Attorney for Clarkstown Soccer  
Nicholas Arcuri and Margaret  
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Legal Secretary for  
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- ▼ LLM in Taxation

April 29, 2008

U.S. District Court  
Clerk's Office  
Martin Luther King Jr Federal Building  
& US Courthouse  
50 Walnut Street  
Newark, NJ 07102

**RE: A.B. & L.B. v. Mark Staropoli, et al**  
**Docket No.: 2:7CV-6077**

Dear Sir/Madam:

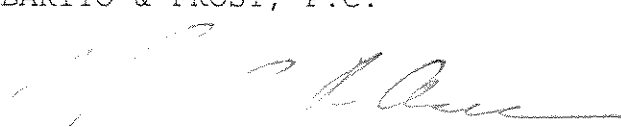
Enclosed herewith please find an original and one copy of an Amended Complaint and Demand for Jury Trial, of my clients A.B. & L.B., in the above-referenced matter pursuant to Judge Shwartz Pre-trial Scheduling Order.

Kindly file and return "filed" copy to this office in the self-addressed, stamped, envelope provided herewith for your convenience.

Thank you for your time and attention to this matter.

Very truly yours,

EINHORN, HARRIS, ASCHER,  
BARBARITO & FROST, P.C.

By:   
Michael R. Ascher, Esq.

MRA:mb  
Enclosure

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Laura Ruvolo Lipp  
Jhanice V. Domingo  
Cimmerian A. Morgan \*  
Timothy J. Ford ‡  
Jamie N. Lenner ‡

Robert J. Cece (1966-2003)

- \* Also Member of PA Bar
- ‡ Also Member of NY Bar
- ◆ Also Member of DC Bar
- ▼ LLM in Taxation

April 29, 2008

**ELECTRONIC FILING**

Honorable Patty Shwartz  
U.S. Magistrate Judge  
United States District Court,  
District of New Jersey Newark  
Frank R. Lautenberg U.S.  
P.O. & Cthse. Bldg, Room 477  
P.O. Box 999  
Newark, NJ 07101

**RE: A.B. et al v. Mark Staropoli, et al**  
**Civil Action NO. 07-6077(KSH)**

My Dear Judge Shwartz:

Please be advised that this firm represents the Plaintiffs in the above-referenced matter. Pursuant to the Pretrial Scheduling Order and as discussed at the Rule 16 Conference before Your Honor on April 17, 2008, Plaintiffs consent to the transfer of this case to the Southern District of New York. Please be advised that all parties consented to the transfer on the record and indicated that they have no personal jurisdiction defense if the case is venued in the Southern District of New York. As such, enclosed please find Plaintiffs proposed form of Order transferring this matter to the Southern District of New York.

Thank you for Your Honor's time and courtesies.

April 29, 2008  
Page 2

Very truly yours,

Einhorn, Harris, Ascher,  
Barbarito & Frost, P.C.

By



Timothy J. Ford

TJF:jn - w/ encl.

cc: A.B. & L.B.

Alan S. Goldberg, Esq.

Joseph S. Accardi, Esq.

Jack T. Spinella, Esq.

Susan Karlovich, Esq.



EINHORN, HARRIS, ASCHER, BARBARITO & FROST  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

A.B. and L.B., individually,

Plaintiffs,

v.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS & EMPLOYEES OF THE  
CLARKSTOWN SOCCER CLUB, NICHOLAS  
ARCURI, MARGARET TURRIN, DIRECT KICK  
SOCCER, ROBERT WALKLEY, JOHN DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), JANE  
DOES 1 through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names for  
the persons, partnerships and/or corporations  
intended).

Defendants.

CASE NO.: 2:07-cv-6077-KSH-PS

**ORDER TRANSFERRING CASE TO  
THE SOUTHERN DISTRICT OF  
NEW YORK**

**THIS MATTER** being brought before the Court upon the Application of Michael R. Ascher, Esquire, attorney for Plaintiffs, A.B. and L.B., individually, for an Order transferring this matter to the Southern District of New York, and counsel for all Defendants having consented on

the record at the Rule 16 Conference on April 17, 2008, and the Court having considered this matter, and for good cause appearing;

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2008

**ORDERED** that pursuant to 28 U.S.C.A. 1406(a) and 28 U.S.C.A. 1631, this matter be transferred to the United States District Court for the Southern District of New York; and it is

**FURTHER ORDERED** that pursuant to the Rule 16 Conference on April 17, 2008, Defendants, PAULA STAROPOLI, CLARKSTOWN SOCCER CLUB, BOARD MEMBERS OF EMPLOYEES OF THE CLARKSTOWN SOCCER CLUB, NICHOLAS ARCURI, MARGARET TURRIN, DIRECT KICK SOCCER and ROBERT WALKLEY consent to the transfer and waive any and all objections to and defenses related to venue and personal jurisdiction; and it is

**FURTHER ORDERED** that a copy of this Order be served upon all counsel of record within \_\_\_\_\_ days of the date hereof.

\_\_\_\_\_  
HON. PATTY SHWARTZ, U.S.M.J.

LAW OFFICES  
**EINHORN, HARRIS, ASCHER, BARBARITO & FROST**  
A PROFESSIONAL CORPORATION

Theodore E. B. Einhorn  
Peter T. Harris  
Michael R. Ascher  
Patricia M. Barbarito ♦♦  
Bonnie C. Frost ♦♦  
Gary R. Botwinick ▽  
Stephen P. Haller  
Thomas J. Snyder  
Mark Wechsler \*♦  
Andrew S. Berns

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(973) 627-7300

COUNSEL

Ivette R. Alvarez ‡  
Jennifer Fortunato ‡♦  
Richard C. Colloca  
Linda A. Mainenti-Walsh  
Jason R. Rittie ‡  
Thomas F. Dorn, Jr. •▲  
Christopher L. Musmanno ‡\*

OF COUNSEL

Burton J. Ironson

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(973) 627-2858  
(973) 627-5847

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Elizabeth M. Vinhal ‡♦  
Jennie L. Osborne ‡  
Laura Ruvolo Lipp  
Jhanice V. Domingo  
Cimmerian A. Morgan \*  
Timothy J. Ford ‡  
Jamie N. Lenner ‡

- ♦ FELLOW AMERICAN ACADEMY  
OF MATRIMONIAL LAWYERS
- ♦ CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
MATRIMONIAL LAW  
ATTORNEY
- CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
CIVIL TRIAL ATTORNEY
- ▲ CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
WORKERS' COMPENSATION  
ATTORNEY

Robert J. Cece (1966-2003)

- \* Also Member of PA Bar
- ‡ Also Member of NY Bar
- ♦ Also Member of DC Bar
- ▽ LLM in Taxation

April 30, 2008

US DISTRICT COURT  
Clerk's Office  
Martin Luther King Jr. Federal Building  
& US Courthouse  
50 Walnut Street  
Newark, NJ 07102

RE: A.B. & L.B. v. Mark Staropoli, et al  
Case No. 07-6077

Dear Sir/Madam:

Enclosed herewith please find an original and one copy of an Answer to Defendants', Clarkstown Soccer Club, et al Counterclaim on behalf of the Plaintiffs A.B. & L.B. in the above-referenced matter.

Kindly file and return "filed" copy to this office in the self-addressed, stamped envelope provided herewith for your convenience.

I thank you in advance for your anticipated cooperation.

Very truly yours,

EINHORN, HARRIS, ASCHER,  
BARBARITO & FROST, P.C.



By: \_\_\_\_\_  
Michael R. Ascher, Esq.

MRA:mb

EINHORN, HARRIS, ASCHER, BARBARITO & FROST  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiffs

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually,	)	
	)	Docket No. 2:07-cv-6007
Plaintiffs,	)	
	)	Civil Action
vs.	)	
	)	ANSWER TO COUNTERCLAIMS/ CROSSCLAIMS
MARK STAROPOLI, PAULA	)	
STAROPOLI, CLARKSTOWN SOCCER	)	
CLUB, BOARD MEMBERS OF	)	
EMPLOYEES OF THE CLARKSTOWN	)	
SOCCER CLUB, NICHOLAS ARCURI,	)	
MARGARET TURRIN, DIRECT KICK	)	
SOCCER, ROBERT Walkley, JOHN	)	
DOES 1 through 5 (fictitious	)	
names for the persons,	)	
partnerships and/or	)	
corporations intended), JANE	)	
DOES 1 through 5 (fictitious	)	
names for the persons,	)	
partnerships and/or	)	
corporations intended), and	)	
RICHARD ROES 1 through 5	)	
(fictitious names for the	)	
persons, partnerships and/or	)	
corporations intended),	)	
	)	
Defendants.	)	

Plaintiffs, A.B. and L.B., answer the Counterclaim of Defendant, Clarkstown Soccer and the Clarkstown defendants, Nicholas Arcuri and Margaret Turrin, and says:

1. The Plaintiff, L.B. admits that he is the father and sole guardian of A.B. and denies the remaining allegations of this Paragraph.

2. The Plaintiff, L.B. admits that on appropriate times he had a duty to supervise Plaintiff, A.B.'s activities to ensure her safety and well being.

3. The Plaintiff denies the allegations set forth in Paragraph 3 of Defendant's Counterclaim.

4. The Plaintiff denies the allegations set forth in Paragraph 4 of Defendant's Counterclaim.

5. The Plaintiff denies the allegations set forth in Paragraph 5 of Defendant's Counterclaim.

6. The Plaintiff denies the allegations set forth in Paragraph 6 of the Defendant's Counterclaim.

7. The Plaintiff denies the allegations set forth in Paragraph 7 of Defendant's Counterclaim.

8. The Plaintiff denies the allegations set forth in Paragraph 8 of the Defendant's Counterclaim.

**WHEREFORE**, the Plaintiff, L.B. demands judgment against Clarkstown Soccer Club, Nicholas Arcuri and Margaret Turrin dismissing suit and awarding counsel fees and costs of suit.

ANSWER TO COUNTERCLAIM AGAINST CONTRIBUTION

The Plaintiff, L.B. answers the Counterclaim of the Clarkstown defendants for contribution and says:

1. The Plaintiff, L.B. states that the Clarkstown defendants are legally liable and responsible for the acts alleged in the complaint.

2. The Plaintiff, L.B. denies that he is a joint tortfeasor with respect to any loss, liability, or expense on account of the Defendants.

WHEREFORE, Plaintiff, L.B., demands judgment dismissing the Counterclaim of the Clarkstown defendants.

ANSWER TO COUNTERCLAIM INDEMNIFICATION

The Plaintiff, L.B. by way of answer to the counterclaim for indemnification alleges and says:

1. The Plaintiff, L.B. states that the Clarkstown defendants are legally liable and responsible for the acts alleged in the complaint.

2. The Plaintiff, L.B. denies that he is liable to the Clarkstown defendants for any passive, technical, vicarious, or imputed acts, and that the alleged liability of this defendant is active, direct, and primary.

WHEREFORE, the Plaintiff, L.B. demands judgment against Clarkstown Soccer Club, Nicholas Arcuri and Margaret Turrin dismissing suit and awarding counsel fees and costs of suit.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

The Counterclaim fails to set forth any cause of action against the Plaintiff, L.B. upon which relief can be granted.

SECOND SEPARATE DEFENSE

Any injuries suffered by the Plaintiffs was the direct result of the joint and several acts and conduct of the Defendants.

THIRD SEPARATE DEFENSE

These Defendants failed to properly supervise the Plaintiff, A.B. while acting in loco parentis to the Plaintiff, A.B.

FOURTH SEPARATE DEFENSE

These Defendants knew or should have known of the sexual assaults by her Co-Defendant, Mark Staropoli upon the Plaintiff, A.B.

FIFTH SEPARATE DEFENSE

This Defendant had factual knowledge of the illegal relationship perpetuated by Co-Defendant upon the minor Plaintiff, A.B. Further, this Defendant failed and refused to report to either the Plaintiff, L.B. or the appropriate authorities as required by the law.

SIXTH SEPARATE DEFENSE

The Counterclaim of this defendant is barred by the doctrines of waiver, laches and estoppel.

EINHORN, HARRIS, ASCHER,  
BARBARITO, & FROST, P.C.  
Attorneys for Plaintiffs

By: 

MICHAEL R. ASCHER

Dated: April 29, 2008



CERTIFICATION OF ELECTRONIC FILING AND MAILING SERVICE

I, Melody L. Burke, hereby certify as follows:

1. I am a legal secretary at the law firm of Einhorn, Harris, Ascher, Barbarito, & Frost, P.C., attorneys for the Plaintiffs in the above captioned matter.


2. I certify that a true copy of the within Answer to the Defendants, Clarkstown Soccer Club's Counterclaim/Crossclaim, was filed electronically filed with the United States District Court, District of New Jersey in Trenton, New Jersey on this date and that copies were also delivered via regular mail to known counsel at their respective office addresses as follows:

Joseph S. Accardi, Esq.  
Accardi & Mirda, Esq.  
570 W. Mt Pleasant Ave  
Livingston, NJ 07039  
Attorneys for Robert  
Walkely

Alan S. Goldberger, Esq.  
Goldberger & Goldberger  
1373 Broad Street  
P.O. Box 447  
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Attorney for Robert  
Walkley & Direct Soccer

Jack T. Spinella, Esq.  
Nicoll, Davis, & Spinella, LLP  
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Paramus, NJ 07652  
Attorney for Paula Staropoli

James Crawford Orr, Esq.  
Susan Karlovich, Esq,  
Wilson, Elser, Moskowitz,  
Edelman & Dicker, LLP  
33 Washington St - 18<sup>th</sup> Floor  
Newark, NJ 07102  
Attorney for Clarkstown Soccer  
Nicholas Arcuri and Margaret  
Turpin

  
Melody L. Burke  
Legal Secretary for  
Michael R. Ascher, Esq.

LAW OFFICES  
**EINHORN, HARRIS, ASCHER, BARBARITO & FROST**  
A PROFESSIONAL CORPORATION

Theodore E. B. Einhorn  
Peter T. Harris  
Michael R. Ascher  
Patricia M. Barbarito ♦♦  
Bonnie C. Frost ♦♦  
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www.einhornharris.com

COUNSEL

Ivette R. Alvarez ‡  
Jennifer Fortunato ‡♦  
Richard C. Colloca  
Linda A. Mainenti-Walsh  
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Thomas F. Dorn, Jr. ♦▲  
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Robert J. Cece (1966-2003)

\* Also Member of PA Bar  
‡ Also Member of NY Bar  
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▼ LLM in Taxation

OF COUNSEL

Burton J. Ironson

- ♦ FELLOW AMERICAN ACADEMY  
OF MATRIMONIAL LAWYERS
- ♦ CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
MATRIMONIAL LAW  
ATTORNEY
- CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
CIVIL TRIAL ATTORNEY
- ▲ CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
WORKERS' COMPENSATION  
ATTORNEY

April 30, 2008

US DISTRICT COURT  
Clerk's Office  
Martin Luther King Jr. Federal Building  
& US Courthouse  
50 Walnut Street  
Newark, NJ 07102

RE: A.B. & L.B. v. Mark Staropoli, et al  
Case No. 07-6077

Dear Sir/Madam:

Enclosed herewith please find an original and one copy of an Answer on behalf of the Plaintiffs A.B. & L.B. in the above-referenced matter.

Kindly file and return "filed" copy to this office in the self-addressed, stamped envelope provided herewith for your convenience.

I thank you in advance for your anticipated cooperation.

Very truly yours,

EINHORN, HARRIS, ASCHER,  
BARBARITO & FROST, P.C.

By: \_\_\_\_\_

Michael R. Ascher, Esq.

MRA:mb

EINHORN, HARRIS, ASCHER, BARBARITO & FROST  
A Professional Corporation  
165 E. Main Street  
P.O. Box 3010  
Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiff

FOR THE DISTRICT OF NEW JERSEY

A.B. and L.B., individually,	)	
	)	Docket No. 2:07-cv-6007
Plaintiffs,	)	
	)	Civil Action
vs.	)	
	)	ANSWER TO COUNTERCLAIM,
MARK STAROPOLI, PAULA	)	COUNTERCLAIM AGAINST
STAROPOLI, CLARKSTOWN SOCCER	)	CONTRIBUTION AND
CLUB, BOARD MEMBERS OF	)	INDEMNIFICATION AND
EMPLOYEES OF THE CLARKSTOWN	)	SEPARATE DEFENSES
SOCCER CLUB, NICHOLAS ARCURI,	)	
MARGARET TURRIN, DIRECT KICK	)	
SOCCER, ROBERT Walkley, JOHN	)	
DOES 1 through 5 (fictitious	)	
names for the persons,	)	
partnerships and/or	)	
corporations intended), JANE	)	
DOES 1 through 5 (fictitious	)	
names for the persons,	)	
partnerships and/or	)	
corporations intended), and	)	
RICHARD ROES 1 through 5	)	
(fictitious names for the	)	
persons, partnerships and/or	)	
corporations intended),	)	
	)	
Defendants.	)	

Plaintiffs, A.B. and L.B., answer the Counterclaim of  
Defendant, Paula Staropoli, and says:

1. The Plaintiff, L.B. admits that he is the father and sole guardian of A.B.

2. The Plaintiff, L.B. admits that on appropriate times that he had a duty to supervise Plaintiff's, A.B. activities to ensure her safety and well being and denies that duty arose when the Defendants acted in Loco Parentis to his child, A.B.

3. The Plaintiff, L.B. denies the allegations set forth in Paragraph 3 of Defendant's Counterclaim since the Defendant, Paula Staropoli acted in Loco Parentis and assured by express implication to him that his child would be safe and secure.

4. The Plaintiff denies the allegations set forth in Paragraph 4 of Defendant's Counterclaim.

5. The Plaintiff denies the allegations set forth in Paragraph 5 of Defendant's Counterclaim.

6. The Plaintiff denies the allegations set forth in Paragraph 6 of the Defendant's Counterclaim.

7. The Plaintiff denies the allegations set forth in Paragraph 7 of Defendant's Counterclaim.

8. The Plaintiff denies the allegations set forth in Paragraph 8 of the Defendant's Counterclaim.

**WHEREFORE**, the Plaintiff, L.B. demands judgment against the Defendant, Paula Staropoli dismissing Count One and awarding counsel fees and costs of suit together with whatever relief the court may deem appropriate and proper.

**COUNTERCLAIM SEEKING CONTRIBUTION  
AND INDEMNIFICATION**

The Plaintiff, L.B. answers the counterclaim of the Defendant, Paula Staropoli for contribution and indemnification and says:

1. He is legally not liable or responsible for any of the acts committed by the Defendant, Paula Staropoli, or any other Defendants and is not liable for either contribution or indemnification.

**WHEREFORE**, the Plaintiff, L.B. demands judgment against the Defendant, Paula Staropoli dismissing her counterclaim for contribution and indemnification and awarding counsel fees and costs of suit.

**SEPARATE DEFENSES**

**FIRST SEPARATE DEFENSE**

The Counterclaim fails to set forth any cause of action against the Plaintiff, L.B. upon which relief can be granted.

**SECOND SEPARATE DEFENSE**

Any injuries suffered by the Plaintiffs was the direct result of the joint and several acts and conduct of the Defendants.

**THIRD SEPARATE DEFENSE**

This Defendant failed to properly supervise the Plaintiff, A.B. when she was visiting the home of the Defendants, Staropoli, while acting in loco parentis to the Plaintiff, A.B.

**FOURTH SEPARATE DEFENSE**

This Defendant knew or should have known of the sexual assaults by her Co-Defendant/husband, Mark Staropoli upon the Plaintiff, A.B.

**FIFTH SEPARATE DEFENSE**

This Defendant had factual knowledge of the illegal relationship perpetuated by her Co-Defendant/husband upon the minor Plaintiff, A.B. Further, this Defendant failed and refused to report to either the Plaintiff, L.B. or the appropriate authorities as required by the law.

**SIXTH SEPARATE DEFENSE**

This Defendant, willfully concealed the existence of the conduct of her Co-Defendant/husband from the Plaintiff, L.B., Law Enforcement and Child Protection Authorities.

**SEVENTH SEPARATE DEFENSE**

This Defendant gave false statements to the investigating agencies regarding the conduct of her Co-Defendant/husband and his unlawful sexual relationship with Plaintiff, A.B., a minor.

**EIGHTH SEPARATE DEFENSE**

This Defendant gave false testimony regarding the conduct of her Co-Defendant/husband and Plaintiff, A.B., during court

proceedings and while under oath and she concealed her knowledge of her Defendant/husband's conduct alleged in the complaint.

**NINTH SEPARATE DEFENSE**

This Defendant recklessly assured plaintiff L.B. that she would provide proper care and supervision for his daughter, A.B. and that minor child would be properly supervised at the Staropoli defendants' home.

**TENTH SEPARATE DEFENSE**

This Defendant intentionally misrepresented to Plaintiff L.B., that his daughter would be properly supervised when visiting at the home of defendants Staropoli.

**ELEVENTH SEPARATE DEFENSE**

The Counterclaim of this defendant is barred by the doctrines of waiver, laches and estoppel.

**TWELFTH SEPARATE DEFENSE**

This Defendant had a sole and exclusive duty and obligation to properly supervise the actions and conduct of the plaintiff A.B. when that minor child was under her care and supervision when visiting at the Staropoli home.

EINHORN, HARRIS, ASCHER,  
BARBARITO & FROST, P.C.  
Attorneys for Plaintiffs

By: 

MICHAEL R. ASCHER

Dated: March 11, 2008



CERTIFICATION OF ELECTRONIC FILING AND MAILING SERVICE

I, Melody L. Burke, hereby certify as follows:

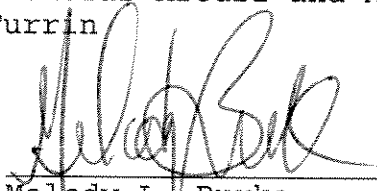
1. I am a legal secretary at the law firm of Einhorn, Harris, Ascher, Barbarito, & Frost, P.C., attorneys for the Plaintiffs in the above captioned matter.

2. I certify that a true copy of the within Answer to the Defendants, Clarkstown Soccer Club's Counterclaim/Crossclaim, was filed electronically filed with the United States District Court, District of New Jersey in Trenton, New Jersey on this date and that copies were also delivered via regular mail to known counsel at their respective office addresses as follows:

Alan S. Goldberger, Esq.  
Goldberger & Goldberger  
1373 Broad Street  
P.O. Box 447  
Clifton, NJ 07015  
Attorney for Robert  
Walkley & Direct Soccer

Jack T. Spinella, Esq.  
Nicoll, Davis, & Spinella, LLP  
95 Route 17 South  
Paramus, NJ 07652  
Attorney for Paula Staropoli

James Crawford Orr, Esq.  
Susan Karlovich, Esq,  
Wilson, Elser, Moskowitz,  
Edelman & Dicker, LLP  
33 Washington St - 18<sup>th</sup> Floor  
Newark, NJ 07102  
Attorney for Clarkstown Soccer  
Nicholas Arcuri and Margaret  
Turrin

  
\_\_\_\_\_  
Melody L. Burke  
Legal Secretary for  
Michael R. Ascher, Esq.



CLOSING

EINHORN, HARRIS, ASCHER, BARBARITO & FROST  
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Denville, New Jersey 07834-3010  
(973) 627-7300  
Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

A.B. and L.B., individually,

Plaintiffs,

v.

MARK STAROPOLI, PAULA STAROPOLI,  
CLARKSTOWN SOCCER CLUB, BOARD  
MEMBERS & EMPLOYEES OF THE  
CLARKSTOWN SOCCER CLUB, NICHOLAS  
ARCURI, MARGARET TURRIN, DIRECT KICK  
SOCCER, ROBERT WALKLEY, JOHN DOES 1  
through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), JANE  
DOES 1 through 5 (fictitious names for the persons,  
partnerships and/or corporations intended), and  
RICHARD ROES 1 through 5 (fictitious names for  
the persons, partnerships and/or corporations  
intended).

Defendants.

CASE NO.: 2:07-cv-6077-KSH-PS

**ORDER TRANSFERRING CASE TO  
THE SOUTHERN DISTRICT OF  
NEW YORK**

ON INFORMAL APPLICATION

**THIS MATTER** being brought before the Court upon the Application of Michael R.

Ascher, Esquire, attorney for Plaintiffs, A.B. and L.B., individually, for an Order transferring this  
matter to the Southern District of New York, and counsel for all Defendants having consented ~~on~~

the record at the Rule 16 Conference on April 17, 2008, and the Court having considered this matter, and for good cause appearing;

IT IS on this 29<sup>th</sup> day of April, 2008

**ORDERED** that pursuant to 28 U.S.C.A. 1406(a) and 28 U.S.C.A. 1631, this matter be transferred to the United States District Court for the Southern District of New York; and it is

**FURTHER ORDERED** that pursuant to the Rule 16 Conference on April 17, 2008, Defendants, PAULA STAROPOLI, CLARKSTOWN SOCCER CLUB, BOARD MEMBERS OF EMPLOYEES OF THE CLARKSTOWN SOCCER CLUB, NICHOLAS ARCURI, MARGARET TURRIN, DIRECT KICK SOCCER and ROBERT WALKLEY consent to the transfer and waive any and all objections to and defenses related to venue and personal jurisdiction; and it is

**FURTHER ORDERED** that a copy of this Order be served upon all counsel of record within 5 days of the date hereof.

*It is further ordered that the case is closed*

Patty Shwartz  
HON. PATTY SHWARTZ, U.S.M.J.

*and there having been no challenge to this Court's jurisdiction over defendant Paula Staropoli and it appearing that personal jurisdiction over all defendants*

*least on the Southern District of New York and there transfer will ensure that the claim proceed in the forum, which is convenient to all parties and witnesses*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
OFFICE OF THE CLERK

50 WALNUT STREET  
NEWARK, NEW JERSEY 07101

CAMDEN OFFICE  
1 JOHN F. GERRY PLAZA  
CAMDEN, NJ 08101

WILLIAM T. WALSH  
Clerk

TRENTON OFFICE  
402 EAST STATE STREET  
ROOM 2020  
TRENTON, NJ 08608

OFFICE OF THE CLERK  
USDC FOR THE  
SOUTHERN DISTRICT OF NEW YORK  
500 Pearl Street  
New York, NY 10007

REPLY TO: NEWARK

5/13/08

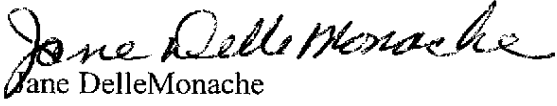
Re: A.B., ET AL V STAROPOLI, ETAL  
Civil Docket No. 07-6077

Dear Clerk:

The above-captioned case has been transferred to your court pursuant to the enclosed Certified copy of the Order dated 4/29/08. Also enclosed is a Certified Copy of the Docket Sheet. You can obtain the original record by accessing CM/ECF. Kindly acknowledge receipt on the duplicate of this letter, which is provided for your convenience.

Very truly yours,

WILLIAM T. WALSH, Clerk

By:   
Jane DelleMonache  
Deputy Clerk

RECEIPT ACKNOWLEDGED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

YOUR CIVIL DOCKET NUMBER: \_\_\_\_\_



SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OFFICE OF THE CLERK  
USDC FOR THE  
SOUTHERN DISTRICT OF NEW YORK  
500 Pearl Street  
New York, NY 10007

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

2008

2008

2008

2008

D. Is delivery address different from item 1? If YES, enter delivery address below:

NO

> 6 2008

NY

Return Receipt for Merchandise  
C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

102595-00-M-0952

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

U.S. DISTRICT COURT  
MARTIN LUTHER KING, JR.  
FEDERAL BLD. & U.S. COURTHOUSE  
50 WALNUT STREET  
P.O. BOX 419  
NEWARK, N.J. 07101